



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

Selectboard/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting December 4, 2019; 6:00 p.m.; Selectboard Meeting Room, 140 Worcester Street

Members Present Patrick J. Crowley, Chairman Barur R. Rajeshkumar, Vice Chair John W. Hadley, Clerk Christopher A. Rucho, Selectman Michael J. Kittredge III, Selectman

Members NOT Present

Invited Guests:

Mr. Crowley convened the meeting at 6:00 p.m. All members are present.

PUBLIC COMMENT:

No one came forward for this agenda item.

APPROVAL OF MEETING MINUTES:

1. November 20, 2019, regular session
Motion Mr. Hadley to approve, second by Mr. Kittredge, all in favor.

REVIEW AND VOTE TO APPROVE WARRANTS FOR THE PERIOD COVERING NOVEMBER 21, 2019 TO DECEMBER 4, 2019: Town Payable Warrants FY2020-22 & 23; Town Payroll Warrant FY2020-11; Municipal Light Plant #15

Motion Mr. Rajeshkumar to approve the warrants as noted, second Mr. Hadley, all in favor.

Jamie Carr, Regional Director Wachusett/Sudbury Region, DCR Division of Water Supply Protection

Mr. Carr joined the Board and distributed a proposed plan. He explained that DCR has been working on eliminating direct discharge into the Wachusett Reservoir. It was a project designed by DCR and funded by MassHighway to capture road runoff from Beaman Street to Pleasant Street. As a result of the work there are two locations where the water will run across Beaman Street creating a public safety hazard. The town will salt those areas heavily which is another concern of DCR as salt is getting into the reservoir. In order to eliminate the sheeting of water across the water we need to capture and redirect it before it gets to Beaman Street. Some of the work that needs to be done is

within the town right-of-way and that is why Mr. Carr is before the Board this evening. Mr. Kittredge asked about a couple of catch basins on Pleasant Street. Mr. Carr indicated that to the west of the existing boulders there is a dip that would direct all the water off the road, however, the catch basin gets overwhelmed with water and this will get to the water to the correct location. Mr. Kittredge asked about the two catch basins that dump right into the water on Beaman just before the culver 200-feet down the road and if they had any ideas for catching some of that water. Mr. Carr states we do not yet and these are easy to address. Mr. Hadley asked about the rail trail project and the planned extension onto Pleasant Street. Mr. Carr reports that it will tie into that and require additional regrading to provide a turnaround area on Pleasant Street for vehicles to turnaround on the west side. Mr. Crowley asked about the timeline. Mr. Carr states that they were hoping to do it before winter and now it will be as the weather allows. Mr. Crowley asked if they plan to have any road closures. Mr. Carr replied no. As part of this work they would clear out the sediment in the swales and they would ask the town to maintain the sediment swales. Mr. Kittredge states that swales do not work very well in New England as they fill up with leaves and sediment. Mr. Carr noted that the flow should be coming from the hill and it should not carry a lot of sediment. DCR will maintain everything else. Mr. Crowley asked if we could sign a Memorandum of Understanding for maintenance purposes with the DCR.

As part of the work to be done will be in the Water Department's gravel driveway, Mr. Coveney was asked if he had any issues with the proposed work. His concerns are who will be responsible to maintain the proposed water diversion dips and rip rap and that the proposed changes to the surface of the gravel driveway to the Water District's Beaman Street water tank must be compatible to allow for snow plowing. Mr. Carr indicated that DCR would maintain the proposed water diversion dips and rip-rap. He also indicated that DCR would work with the Water District so that the proposed changes to the surface of the gravel driveway to the Water District's Beaman Street tank is compatible to allow for snow plowing and they would maintain.

Mr. Rucho asked if the state could sand the road where the run off occurs. Mr. Carr states that it is not in their budget to perform that work, however, they will take on the responsibility to try to eliminate that in the future. Mr. Rucho voiced his concern that the town will incur costs and be out at that location every night. Mr. Carr noted that the swales will not be visible from the road. Mr. Crowley pointed out that prior to this project, we did not have this issue. You are saying it is not in your budget to do the sanding, however, if you caused the issue, why wouldn't you be responsible to mitigate it. Mr. Carr feels if they can do the work in the existing rip rap swale it should address the run off issue. They understand that the previous improvements flowed water onto the roadways. Mr. Kittredge noted that the guys love the overtime they receive when called out to salt the road. Mr. Rajeshkumar asked that until they take their action could they take on the responsibility of sanding and salting the roadway. Mr. Carr doesn't know when the state could do that and he feels the town is better able to respond faster than DCR. Mr. Crowley agreed that yes, the town can do the work but we would like to be reimbursed for our costs of time and materials.

Mr. Rajeshkumar asked if the stagnant water in the retention ponds at the reservoir had been tested for mosquitos. Mr. Carr states that DCR has not had them tested and they did manually pump them out.

Motion Mr. Hadley to allow DCR to do the work as outlined in the proposed plan and enter into an MOU with them so that future maintenance of the work in the town's right-of-way could be done by DCR and to have DCR pay for the time and materials used by town resources in order to keep the road in a safe condition due to the run off and icing that resulted from their drainage project,

second by Mr. Rajeshkumar. Vote on the motion – Messrs. Crowley, Rajeshkumar, Hadley and Rucho yes; Mr. Kittredge abstains. Mr. Rucho would like to reach out to Senator Chandler and Rep. O'Day and maybe they can help to get this through DCR red tape. Mr. Rucho asked Mr. Carr if he could test for mosquitos and report back to the town. Mr. Crowley remembers asking that question and we were told that DCR has not seen any mosquitos. Mr. Carr agreed to test for mosquitos and will notify the town.

6:15 Public Hearing, In conformity with MGL M.G.L. Chapter 140, Section 58 on the application of Northboro classic cars class, 80 Lee Street for a Class II License

Mr. Crowley opened the public hearing and Mr. Hadley read the following notice. In accordance with M.G.L. Chapter 140, Section 58, the Selectboard of the Town of West Boylston will hold a public hearing for the purpose of considering granting a Class II License to Northboro Classic Cars, Inc., 80 Lee Street, West Boylston. The hearing will be held on Wednesday, December 4, 2019 at 6:15 p.m. in the Selectboard's Room of the Municipal Office Building, 140 Worcester Street, West Boylston. All interested persons, groups, and agencies are invited to attend. Patrick J. Crowley, Chairman advertised on November 27, 2019.

Mr. Rinaldi joined the Board. He lives at 80 Lee Street and owns Northborough Classic Cars. He sells 4-5 cars a year for friends and relatives. He has been in Northborough for the past 20 years. He received ZBA approval for a home occupation. This past year he lost the physical building he needed to maintain that license in Northborough. He doesn't store or repair the vehicles on sight. He purchases cars for specific customers from the online auctions and they are shipped directly to the customer. If there is a warranty issue he uses Performance Repair in Northborough.

Mr. Rucho asked you are asking for a license to sell cars on Lee Street in a residential area. Mr. Rinaldi explained that Fortune Transportation tows and stores the cars and people pick the vehicle up at that location. No vehicles are on the property for sale and there are no signs. Mr. Hadley states that he feels a business for a car business should be held in a business zone. When you give somebody a Class II license they will have the ability to get a dealer's plate out of Lee Street address. His concern is anybody with a dealer plate being able to sell vehicles out of their house and he is against that. Mr. Rinaldi shared that there are two other businesses on the street, one is an exercise studio that formerly was shrimp farm and the other is an antique business. A couple in the audience who did not identify themselves noted that the shrimp farm was a farm, but one day a sign for Stone Throws Farm went up and a new fitness studio moved in which they are completely against. It is considered a farm because goats are there. They think this is circumventing zoning as well. When they have a class there can be 40 cars parked there on a Saturday morning and they are doing goal yoga. The Board agreed to look into this.

Mr. Crowley asked what is the reason you need to move your license from Northborough to West Boylston. Mr. Rinaldi indicated that he has worked out of his house for five years. He is not going to bother anybody. He doesn't store anything on the property and works off his computer. Mr. Rajeshkumar noted that under state law he can have one unregistered car with a home business he can have one additional car with a dealers plate. He cannot have any signage per the ZBA. The only thing on the vehicle will be a dealers plate. Mr. Rinaldi needs the license to go and buy at the auction, and noted that his current license in Northborough runs out at the end of the year. Mr. Rucho asked why can't you just keep the cars in Northborough. Mr. Rinaldi explains that he works out of his house and rather than to go the office in Northborough. He buys 4 or 5 cars a year for friends or relatives. He doesn't advertise in the local paper but he could do that.

Mr. Hadley would rather not set a precedent, in town and a business like that should be in a business zone. The antique shop located on Lee Street went to the ZBA for their approvals. Mr.

Rinaldi reports that the other businesses create a great deal of problems. The exercise facility has 20-40 cars when they start in the morning. Mr. Rajeshkumar reports that the antique shop is open once and a while like a yard sale. Based on our Zoning Bylaws he applied for and is running a Home Occupation. Mr. Hadley is concerned with a dealers plate not being in a business zone. He feels he should rent a place and keep the car there. It is a residential zoned area. Mr. Rinaldi noted that currently he can sell cars on his property, however, with a Class II license the Board could restrict him. It is a part-time business. Mr. Hadley feels when you get a Class II license you get a dealer plate and that is the difference.

Mr. Crowley opened the meeting up to public comment. David Femia reports that Mr. Rinaldi did come before the ZBA and he was the only no vote. He doesn't think this is the right business to have as a home occupancy in a single residence zone. He said he had been doing this for five years without a license from West Boylston and now because he lost his property in Northborough so he is coming to the town for a Class II license. Mr. Femia went to Northborough and talked to the building inspector, Selectmen's office and town clerk. The Selectmen said he has to get a license from the Board of Selectmen. When he went to the building inspector the building inspector did say he has to get a license from the Board of Selectmen to run the business. Mr. Femia thinks this will set a precedent. He spoke with the Planning Board about this and there are bylaws the town should look at. He doesn't think the Board of Selectmen should approve this because it is not the right location. The antique business has restrictions placed upon them. They have to have everything within the garage and he can have a sign on the building. He has a 69-foot long driveway so people can drive in with no interference on the street.

Mr. Rinaldi states that he legally runs his business and sits at his home working on a computer. Everything he sells is through Northborough. He has not caused any problems. He suggested giving him the license for one year and if you do not like what he is doing you can take the license away. He is trying to do things better instead of worse for the town. There are no other comments.

Motion Mr. Hadley to close the public hearing, second by Mr. Rajeshkumar, all in favor.

There is no motion on the request for the license, the license is not granted.

DPW Director Gary Kellaheer - Updates on various items/projects

Mr. Kittredge left the room. Mr. Kellaheer reports that he read over the drainage issue memo from Jamie Carr. He was hoping for a complete underground system and the berm was not in the right place. He would like to speak with Mr. Carr about the plan.

Motion Mr. Hadley for the Board to reconsider the vote they took earlier to allow DCR to do the work as outlined in the proposed plan and enter into an MOU with them so that future maintenance of the work in the town's right-of-way could be done by DCR and to have DCR pay for the time and materials used by town resources in order to keep the road in a safe condition due to the run off and icing that resulted from their drainage project, second by Mr. Rucho, all in favor.

Motion Mr. Hadley not to allow DCR to do the work as outlined in the proposed plan and for Ms. Lucier and Mr. Kellaheer to work with Mr. Carr on a new plan to deal with the issue and bring it back to the Board, second by Mr. Rucho, all in favor. Mr. Kellaheer noted that the big issue is the water that flows across the roadway and freezes.

Mr. Kellaheer reports that the department got a head start on the first storm which was forecasted. The second storm was not forecasted. He did get some questions about his equipment and noted that there was a lot of social media stuff going around. We did get some calls on treating private roads. He needs to obtain a list of the private roads. Some were blocked and they have to be taken care of for emergency purposes. He would like permission to treat all private roads. .Mr.

Rajeshkumar pointed out that the reason it is private is because the road is not up to the town's standards. Mr. Kellahe reports that some of them are not being treated. Mr. Rucho feels this should be a future agenda item. We will get the list for the next meeting. It was noted that in the past the town has opened up private roads for emergency access.

Mr. Kellahe reports that he is very proud and happy with the job his crew did during the snow storm. They came in at 2:00 on Sunday and stayed throughout. They worked very well together, they had issues and did the best they could. He commended the crew who pulled together. Mr. Rucho agrees that the guys worked hard. He asked if there are any rules on the number of hours they can work without sleep. Mr. Kellahe explained that they are emergency services and what Mr. Rucho is asking about carries a federal license and we do not have to follow those guidelines. If they cannot work any more they come to the foreman or the Director and they take a break. Mr. Rucho voiced concern that sometimes you may think you can work without a break. Mr. Kellahe advised that he is entertaining something to address that situation. And there is nothing legally binding us to make them stop driving.

Mr. Kellahe reports that for the storm he had 6 DPW employees, 4 contractors and one cemetery employee. Currently we are down two DPW employees, one out recuperating from surgery and the other position is vacant. Out of the four contractors hired, three of them did state that they had another job during the day. So at the last minute three of them left leaving us with only one private. We have one truck at Madigans and the third dump body is being mounted, and we have the 1997 International that could plow but not spread. We had a couple of other trucks available, however, we didn't have the staff to use them. Another International went through half the storm. It had a fuel pump let go and you cannot tell something is wrong. Mr. Hadley noted that the fuel pump is electronic. The 2018, 350 plowed, the Chevy dump 2015 can only plow and he used the 2007 to plow. They had a couple of 6-wheel plow trucks. Normally we have four spreaders and we had two available and the one being assembled is a 2004, one is a 2005 and the newest big truck is a 2006. Mr. Kellahe feels the trucks are maintained very well. They do pre and post storm checks on their equipment. Mr. Rucho asked if these items are on the capital list for replacement. Mr. Crowley asked what the useful life is for an International truck. Mr. Kellahe reported 15-20 years. Mr. Hadley noted that the issue is the salt and that is why we went with steel bodies. Mr. Kellahe reports that everything was gone through on the trucks before they went to the vendor for the new bodies. The trucks ran from 2:00 on Sunday until they went home. The cost for a new International will be \$120,000 and that doesn't include the body. The only item he requested last year were the bodies.

Mr. Kellahe reports that we have a 1999 catch basin truck down and it has been sitting at the vendor long before he came to town. He was told by the vendor it will need \$20,000 to get it up and running. The old catch basin was a plow and a spreader. Mr. Rucho suggested this be a future agenda. There were no other equipment breakdowns. They had plenty of trucks but not plenty of spreaders or drivers. During the storm we were getting 3-4 inches of snow an hour, everything was touched, but it takes four hours for each pass. He was very impressed with this crew and happy to be out there plowing with them. Mr. Rucho would like to have the list of issues with the trucks. They ordered the dump bodies on July 1 and they were delayed. They were supposed to be here in July and it just arrived. We will put this on the next agenda. Mr. Kellahe got a call from other town buildings and their concern is to clear and make safe and reasonably passable all town roads. Mr. Rucho thinks all people who are private they have other jobs. Mr. Kellahe spoke with the contractors and if they are not available 24-7 he doesn't want them plowing. Mr. Rajeshkumar feels we need to find out how to attract plow drivers. Mr. Rucho states we got what we asked for but we just learned they had other

jobs. Mr. Kellaheer has looked at the other town's rates and found we are very competitive. We did have other applicants we had to turn down. Mr. Crowley asked what the plan is going forward. Mr. Rucho feels if they have a regular job they have to go and punch in that is one thing, however if they have another plowing job that that is quite different. Mr. Kellaheer is hoping we can repost and generally they are landscaping workers and we cannot guarantee them a dollar commitment. Mr. Kellaheer appreciates the calls and complaints.

Discussion regarding the trash issues related to the snow storm. Mr. Rucho noted that we had similar issues last year. Mr. Crowley thinks Republic should have made the call sooner and if it the wrong call then it is okay as well. Mr. Rucho asked residents if they know that trash is delayed and their neighbor has their trash out to please let them know of the delay.

NEW BUSINESS:

Consider approving the following individuals as seasonal snow plow drivers driving town vehicles for the Department of Public Works effective December 5, 2019 at a rate of \$18.65 per hour” Steven Mulcahy and Kevin LeClaire

Motion Mr. Rucho to approve the hiring of the two seasonal snow plow drivers, second by Mr. Hadley, all in favor. Mr. Kittredge returned to the meeting.

David Femia – application to serve on the Bylaw Committee - should the Board vote to approve the term will be from December 5, 2019 until April 30, 2020

Motion Mr. Rucho to approving the appointment, second by Mr. Kittredge. Vote on the motion – Messrs. Crowley, Rajeshkumar, Rucho and Kittredge yes; Mr. Hadley no.

Senior Center Rental fee discussion

Mrs. Lucier reports that she spoke with the Chairman of the Council on Aging. They are proposing the following rental fee schedule: Residents Mon-Fri \$30 per hour for rooms and \$50 per hour for kitchen use and \$20 per hour extra for weekends. Non-Residents Mon-Fri \$50 per hour for rooms and \$70 per hour for kitchen use and \$20 per hour extra for weekends. Should the Board agree with the fee schedule as proposed, she will schedule a public hearing to adopt the fees and we will amend their current revolving fund in May so that facility rental fees can be deposited in the revolving account and those fees would cover costs directly related to the rental of the facility.

Motion Mr. Hadley to move forward with scheduling the public hearing, second by Mr. Rajeshkumar, all in favor.

TOWN ADMINISTRATOR’S REPORT

1.Meeting with Holy Cross

Ms. Lucier reports that on November 21st Mr. Rucho joined her for a meeting with Jamie Hoag and Susan Hunt from Holy Cross. One of the items discussed was the use of the Contemplative Center for our annual Board Retreat. Because of the layout of the facility, it was determined that it probably would not be an ideal location for such a meeting. What was originally thought to be small meeting rooms was actually first floor overnight accommodations for visitors to the center. We discussed their Community Contribution Agreement which provides a \$60,000 gift to the library payable in five \$12,000 installments. That agreement is schedule to end on June 1, 2021. Jamie

indicated that they would like to continue their relationship with the Beaman Library as they feel it is a good fit for them. She asked whether they might be interested in funding a part-time Recreation Director position for the town. That led to a discussion about the Holy Cross internship program. During the summer they employee students who work a 35-hour a week schedule. Should the town have a need he would be willing to consider allowing the town to use two of those students for a summer project or program.

2. Update on Board's Goal to provide additional trainings to Boards/Committees

David Giannotti, Division Chief of Public Education & Communication at the State Ethics Commission will be presenting Ethics Training to our boards and committees on Tuesday, February 4th at 6:30 p.m. in the Selectmen's Meeting Room of town hall. We have a backup date of Tuesday, February 11th at 6:30 should we have a weather event. We will ask wbpa-tv to televise the training and the link will be provided to the Chairs of the various boards to share with their members.

The KP Law list of Seminars and Workshops was distributed to all departments and Boards. The top three choices were Open Meeting Law, How to Conduct a Flawless Public Hearing and Effective Enforcement for Zoning, Planning, Health Boards and Conservation Commissions. She has reached out to Shirin Everett at KP Law to get those trainings scheduled. For all of the trainings we will extend an invitation to neighboring towns should they have anyone interested in attending. We will also request coverage of this meeting by wbpa-tv as well.

3. Update on Wage & Classification Project

The draft plan was presented to the Personnel Board at their meeting Monday night. Prior to voting on the plan they requested information on the cost of the plan. That figure is being calculated and the Personnel Board will be meeting next Monday night with an agenda item to vote to approve the updated Wage & Classification Plan. Mary Aicardi the associate of the Collins Center who is assigned to this project will be at our December 16th meeting at which time we will unveil the new Wage & Classification Plan which will be included on the town meeting warrant for acceptance by town meeting voters.

4. Town meeting schedule

The schedule for the May 18, 2020 Annual Town Meeting has been drafted. Articles will be accepted until April 3, 2020. Articles and capital requests will be provided to the Board at their April 17, 2020 meeting. On April 22, 2020 we will review, approve, close and sign the warrant, which will be posted on May 1, 2020. If the Board agrees with this schedule, it will be distributed to all departments and boards. Motion Mr. Rucho to accept the schedule as presented, second Mr. Hadley, all in favor.

NEW BUSINESS:

1.Consider approving the following alcoholic beverage licenses for 2020 renewal: Harold N. Keith Post, Wachusett, Inc., Funny Guys D/B/A Recess, The Mill, Steve's Pizzeria, West Boylston Pkg. Store, Cheoy Lee's Galley II, Kitsta Corporation, Webbo Seafood, Inc, Oli's Italian Eatery, LLC, Wachusett Wine & Spirit, Inc., JAG, Nola Cajun Kitchen, Ari's Tavern, KC Brothers, LLC.

Motion Mr. Rajeshkumar to approve the renewals, second Mr. Hadley. Discussion ensued regarding Ari's Tavern. Mr. Crowley pointed out that it has been 7 months since the license was approved and she is still not open for business. It is December 4th and he would like an update. Mr. Rucho noted that the Board had this discussion on another license years ago. Ms. Lucier reports that she checked with the building inspector and they are making progress with the improvements to the building. She also noted that the owner is not able to pick up and pay for the license until the Building Inspector issues an occupancy. In addition, if the town were in a position where we issued all of our all alcoholic pouring licenses and someone was looking for a license that would be a different story. At this time the town does have other licenses in that category available. Mr. Kittredge spoke with the individual and was told that the improvements needed to the building were a lot bigger task than she thought it was going to be. Vote on the motion – all in favor.

2.Consider approving the renewal of the 2020 business licenses appended to the agenda

Motion Mr. Hadley to approve the 2020 business license renewals as listed, second Mr. Kittredge, all in favor.

FISP UPDATE:

1.General Update on Senior Center

Mr. Hadley reports that RAC is in discussions with the paving company about how to fix the parking lot striping and puddles in the back. The building is running good. There will be another update next week at the FISP meeting.

APPOINTMENTS AND RESIGNATIONS:

1.Acknowledge resignation of Allen Fraser as Assistant Building Inspector

2.Concurrence on the appointment of Richard Breagy as Assistant Building Inspector effective December 5, 2019 until April 30, 2020 at a rate of \$25.00 per inspection

Motion Mr. Rucho to concur with the appointment, second Mr. Hadley all in favor.

3.Concurrence on the appointment of Sarah Miles as the Planning Board designee to the Community Preservation Committee effective December 5, 2019 for a term to expire on June 30, 2020

Motion Mr. Rucho to concur with the appointment, second Mr. Hadley, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

1.Announce gateway sign winners (EDTF)

Mr. Hadley, Chair of the Economic Development Task Force announced that Reservoir Garage will be on the Route 12 North side, Old World Construction will be on the Route 12 South side, and The Manor will be on the Route 140 North sign through the end of March.

2.December 14, 8:30 a.m. – annual Rotary Christmas Breakfast for Seniors at The Manor

3.December 19, noon –Holiday Luncheon & Concert for Seniors at the Senior Center sponsored by the Friends of the Council on Aging

FUTURE AGENDA ITEMS/SELECTMENS REPORTS:

Mr. Hadley would like to consider reopening River Road to alleviate the cut through

Mr. Rucho would like to look at the winter parking ban language.

Mr. Crowley would like an update on the Recreation Director. Ms. Lucier reports that the information is coming in slowly.

Motion Mr. Rucho at 8:16 p.m. to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30a, Section 21(A), Part 7 to comply with the provisions of the public records law exempting from disclosure materials relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy, second Mr. Hadley and the Selectboard will not reconvene in open session.

With no further business to come before the board, motion Mr. Rucho at 8:28 p.m. to adjourn, second by Mr. Hadley, all in favor.

Respectfully submitted,

Approved: December 16, 2019

Nancy E. Lucier, Town Administrator

Patrick J. Crowley, Chairman

Barur R. Rajeshkumar, Vice Chairman

John W. Hadley, Clerk

Christopher A. Rucho, Selectman

Michael J. Kittredge III, Selectman