



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

Select Board/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting
August 18, 2021; 6:00 p.m.
Zoom

Members Present
Christopher A. Rucho, Chairman
Barur R. Rajeshkumar, Vice Chair
Patrick J. Crowley, Clerk
Michael J. Kittredge III, Selectman
Kristina Pedone, Selectwoman

Members NOT Present:

Invited Guests:
Nancy Lucier, Town Administrator
Faye Zukowski, Municipal Assistant
Gary Kellaher, DPW Director
Rep. James O'Day
Sen. Harriet Chandler
Bob Barrell, Board of Health
Tracy Gannon, Board of Health
Paul Anderson, Planning Board
Marc Frieden, Planning Board
Tracy Gannon, Board of Health

Others Present: Harald Scheid, Nahar Patel, Noah Magid, Jaurice Swartz, Rich Dibella, Pat Cotton, Anand, Maura's iPhone, Kizola, Rich Simmerano, Katie, Denis, Nicole Nelson, Patricia Barrie, Samantha Coons, Maura Agnelli, Ken Cleveland, Neel, G. Lim, Diane iPad, Damian Berthiaume, Gordan and Mary Ellen Cocks, Steve Feeley, and Cara

Mr. Rucho convened the meeting at 6:00 p.m., roll call taken.

Chairman's Statement was read by Mr. Rucho

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of West Boylston Selectboard is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to view this meeting while in progress may do so by:

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PUBLIC COMMENT: This fifteen-minute period is an opportunity for the public to address their concerns and questions regarding town operations and programs to the Board. Except in urgent circumstances, any matter presented for consideration by the Board shall not be discussed in detail nor acted upon by the Board at this meeting. A scheduled time on a future agenda may be set at the Board's discretion. Complaints or criticism directed at staff, volunteers, or other town officials shall not be permitted. If we do not have Open Session items to discuss, other agenda items may be brought forward earlier.

- Nicole Nelson, resident was speaking on behalf of Tracy Rinker regarding the dog issue at the Cemetery and was requesting comment from the Board and requested the Board place a ban on allowing dogs in the Cemetery.

APPROVAL OF MEETING MINUTES:

- **June 30, 2021 Regular Session:**

***Motion** Mr. Kittredge moved to approve, Mr. Crowley second.*

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

- **June 31, 2021, Regular Session:**

***Motion** Mr. Crowley moved to approve; Ms. Pedone second.*

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

REVIEW AND VOTE TO APPROVE WARRANTS FOR THE PERIOD COVERING JULY 22, 2021 to AUGUST 18, 2021: Town Payable Warrants FY2022-04, 05, 06 and 07; Town

Payroll Warrant FY2022-02 & 03; Sewer FY2022 SE-02 & SE-03; MLP FY2022 #3 & #4; and School FY2022 S3 & S4.

***Motion** Mr. Crowley moved to approve; Mr. Rajeshkumar second.*

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

Senator Harriet Chandler & Representative James O'Day:

- **PILOT:**

Ms. Pedone explained she is new to understanding the PILOT funds and noticed the fund amount remained steady over the past few years. She stated the town does not have a commercial tax rate and the values are based on residential rates, and asked if they have seen success with PILOT funds increasing in the area. Representative O'Day responded that one reason is that the DOR (Department of Revenue) conducts valuation reviews every two years and it is unlikely the amount will ever decrease. He explained the funds filter from MWRA (Massachusetts Water Resource Authority) to DCR (Department Conservation Recreation) then to DOR. He stated in FY2021 there was an increase of 15% to the overall line item which covers thirty-five communities of MWRA properties. He stated West Boylston received \$683,581.59 and in FY2022 he expects West Boylston to see a 5% increase. He explained that if West Boylston moved to a dual tax rate there is no guarantee but that the town could see additional revenues. Representative O'Day discussed the Choey Lee garage and explained that if those had improvements made, they were not significant enough to see an increase in the payment. He stated that if all thirty-five communities' band together it may get more attention. Senator Harriet Chandler stated if West Boylston established a dual tax rate creating a commercial tax rate could create a problem for the town with the businesses. Mr. Crowley asked about the 15% increase in FY21 and did not believe the town received this increase, Representative O'Day will inquire and the town should also. Senator Chandler stated by statute the PILOT payment will never be lower than the year before. She stated the land is currently valued at \$22,481,400 with current tax rate of \$18.46 which is a tax amount of \$415,664 and the Commonwealth is making a PILOT payment of \$683,581.59 with a difference of \$268,000 which is a better deal than actual tax value. Ms. Pedone asked about construction of a new building at the Worcester House of Correction costing approximately \$26 million and did not see a change in budget for this addition. Representative O'Day stated this is not DCR property and does not fall under the same PILOT. Representative O'Day stated over the years they have tried to create a PILOT with Correction Facilities but have been unsuccessful with county facilities. Mr. Rucho asked for clarification on improvements if they are only for water protection properties such as office building having a remodel, Representative O'Day stated he believes those buildings are within the water protection zones and if they are improved it should raise the value and the town should ask for increase. Mr. Rucho stated the Worcester County Correction Facility is funded by the State.

- **Redistricting of Precinct:**

Representative O'Day stated the official numbers have been received by the town, and West Boylston is 200 people over the cap for the need to add another precinct. He stated that the

population of the jail are considered part of the town's population, but are considered voters at their last known address even though they are housed in West Boylston. He stated he and Nancy spoke with Senator Brownsberger there is no way around having to have a third precinct before the upcoming session. Senator Chandler disagrees and she spoke with Senator Brownsberger and they are counting the houses of correction as home base for voter registration. Ms. Lucier agreed with Senator Chandler for this session they cannot change the calculation but possibly in the future. She asked if they could file Special Legislation on behalf of the town to change the calculation. Mr. Rucho asked how many other communities have House of Corrections and also an increase in precincts. Mr. Crowley urged the town to hesitate as these people are counted as residents which will also help with the amount of state aid received and would rather receive more state aid and have to have another precinct.

- **Bond Bill for Goodale Park:**

Senator Chandler stated in 2014 there was a \$5 million Environmental Bond Bill for the renovation of Goodale Park, N. Lucier stated she has a letter drafted for approval and signature tonight and letters were sent to the Parks Commission and Parks Facilities Committee and all letters will be sent in, Mr. Crowley clarified the letters are for the \$1 million request. N. Lucier stated they were advised the \$5 million dollar request had expired, Mr. Rucho asked if the \$5 million dollar Bond Bill is expired. Representative O'Day clarified the \$5 million Bond Bill was five-year bond and has expired. Mr. Crowley is there was an update on the release of funds from the current Bond Bill, Senator Chandler stated the Baker Administration is in control of the current Bond Bill. She explained this is the issue with Bond Bills. Representative O'Day will check on the date for the \$1 million Bond Bill as he believes there may be a couple more years left. Mr. Crowley stated the \$1 million Bond Bill was from 2018.

- **Pride Park release of funds \$150,000:**

Representative O'Day stated a letter was needed to release the funds to the town for the Pride Park ADA Upgrades and the Town Administrator has begun that process. Ms. Lucier stated a letter has been sent to Administration and Finance and she can send it over the representatives also.

- **HB198 Protection of Wetlands for 40B Project:**

Representative O'Day asked what the difference is between 40B projects and any other projects, wetlands are wetlands. He stated West Boylston is not at the 10% cap for housing and the concern should be for the watershed protection. Mr. Rucho clarified that 40B does not fall under the wetland regulations. Senator Chandler stated all projects should be treated equally and the concern should be for water resource protection. Mr. Crowley asked if 40B has to adhere to wetland currently, Senator Chandler responded yes. Mr. Crowley 2.5% of land use that is for affordable housing so the town is in compliance of 40B, so the town does not have to accept more 40B projects.

- **Bottle Bill for nips:**

Senator Chandler stated there are four bills currently in play; H3332 Act Promoting Proper Disposals of Miniature Bottles, and all bills are before the Joint Committee of Telecommunications, Utilities and Energy, a hearing is pending; H3345 and will expand the Bottle Bill to include a 5-cent deposit to promote recycling, this one has not had a hearing yet in the same Committee; H3284 Clean Act, and act relative to containers and nips, and it has not had a hearing yet. She stated if the Board is at all interested the place to be heard is at the Joint Committee of Telecommunication, Utilities and Energy meeting they will be hearing all four bills and she assumes at least one will prevail. She stated there must be an issue state wide with the miniatures. Mr. Rucho stated at the town wide clean up here collected at least 50 himself. Senator Chandler suggests sending supporting letters to the

Joint Committee about the towns experience. Mr. Crowley asked if the beverage industry has commented, Representative O'Day stated a couple of the Bills are a refile and the distributors are not fans of the bills.

Weston & Sampson – Stormwater Update and Final Report:

Jaurice Swartz presented a slide show with an update on the 2016 MS4 Permit Compliance. She stated the last update was on June 30th and since then the Year 1 and Year 2 Annual Reports were submitted on August 5th and they received confirmation from the EPA that reports were received. She stated while gathering the Annual Reports they were able to see what the town needed do to become compliant. She explained the town just wrapped up Year 3 and is beginning Year 4. She stated the town had some action items to complete for Year 1,2,3 and 4.

She explained there are six main elements of control measures; Public Education and Outreach, Public Participation and Involvement, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Runoff Control, and Pollution Prevention and Good Housekeeping.

She explained the permit only covers regulated areas are; Urbanized Area as defined by 2000 and 2010 Census, areas can be added but cannot be removed during a permit period, and MS4 Discharges to Water of the US. She stated the town needs to develop a Stormwater Management Plan which is a very comprehensive document which includes the responsible parties for the permit, an in-depth review of control measures and compliance measures and will be posted on the towns website and made available to the public. She stated this is not yet complete and will be completed by June 22, 2020 and was due June 30, 2019. She discussed Public Education and Outreach; she stated the permit requires eight targeted messages over the five-year permit to four audiences; residents, businesses, developers, and industrial facilities. She stated some outreach needs to be completed regarding Gates Brook which has a bacteria impairment; this requires three annual messages regarding Pet Waste, Dog License Renewal and Septic Systems and resources are available from Think Blue Massachusetts and Central MA Regional Stormwater Coalition. She discussed Public Participation and Involvement; the stated the town needs to provide public preview of the SWMP and Annual Reports by posting on website or discussing at a Selectboard meeting. She stated additional opportunities are at the annual town wide clean up day. She discussed the Illicit Discharge Detection and Elimination; she stated the town needs to update mapping and is a big-ticket item for the town; review and update towns regulatory authority to prohibit, investigate and eliminate illicit discharges, which can be found in the towns bylaw but some changes are needed; develop a written IDDE plan; perform catch basin delineation and ranking; complete dry weather outfall and interconnection screening and sampling; and conduct inhouse training. She suggests getting the mapping completed sooner in the permit. She discussed the Regulatory Update; the town has a bylaw that gives authority to develop Stormwater Management Rules and Regulations, and the rules and regulations will be developed to address permit requirements such as; Site Inspection procedures and Enforcement of Erosion Control Measures; Erosion and Sediment Control Plan Requirements; Waste Control Requirements for Construction Site Operators, Site Plan Review, Inspection, and Enforcement Procedures; Post Construction Management on new Development and Redevelopment Sites; the goal would be to get these regulations completed and adopted by June 30, 2022.

She discussed the Post Construction Site Runoff Control which is a Year 4 Requirement; Street Design and Parking Lot Reports, Green Infrastructure Report, identify five town properties for BMP retrofits and all reports are due June 30, 2022.

She discussed Pollution Prevention and Good Housekeeping; Develop written O&M Procedures for municipal facilities and activities; Develop electronic catch basin inspection form and catch basin optimization plan; Annual Inspection & Maintenance of BPM's; Develop Stormwater Pollution

Prevention Plans (SWPPP's) to be kept at the DPW facility and Temple Street Storage Facility; Perform Quarterly SWPPP Inspections; Perform SWPPP Training for Municipal Employees. She explained most of these items were due in Year 2 but the goal would be to get them completed and in place before end of Year 4.

Ms. Swartz stated the last item is separate and related to specific additional requirements: Water Quality Limited Water- Within out Approved TMDL. She explained Gates Brook is impaired for bacteria and requires: Additional Public Education and Outreach initiatives, General message about pet waste management, message included with dog license application, message to owners of septic systems about proper maintenance, Catch Areas Drainage to Gates Brook must be high priority for IDDE investigations, there are 25 outfalls to Gates Brook.

She stated this is manageable but could be costly with reporting.

Ms. Swartz stated the next steps are to complete the Year 3 Reporting which is due September 28, 2021, she would recommend begin moving forward with tasks to come into compliance by the end of Permit year 4 (June 30, 2022), to keep comprehensive records, document everything and move towards electronic data collection so everything will be available in one spot. She stated it will be beneficial to the town in regards to maintenance needs or capital projects to have all records in one place.

Ms. Swartz stated there are communities getting audited by EPA and they request records a couple weeks in advance. She stated showing the EPA that the town is working quickly to get things in compliance.

Mr. Rucho stated this report was very thorough and thanked her for her update. Mr. Kellaher thanked her for her effort and time put into this report.

Gary Kellaher, DPW Director – Updates:

- **Catch Basin Repairs:**

Mr. Kellaher explained all catch basins have had Dig Safe Completed on Huntington Parkway. He stated there are 12-15 in need of repair and is scheduled for next week.

- **Pheasant Hill Run:**

Mr. Kellaher explained there is a resident the lost their inground pool to water damage under liner. He stated when Route 190 went through he believes there may not have been correct drainage installed. He explained the ground water rose and eroded under the liner of the pool and could be from improper drainage or from the rain amount which were very high. He is working with MassDOT to get a cap on the drainage behind Pheasant Hill Run and will be meeting with surveyors next week. Mr. Crowley asked who will be paying for this, Mr. Kellaher stated this is an issue with the State not the Town. Ms. Pedone asked if they can survey the opposite side of the road for a flooding issue, Mr. Kellaher will also have that looked at as he believes it was overlooked.

- **Line Striping:**

Mr. Kellaher explained the have had to cancel twice but is scheduled again for next week. He stated the crosswalks will also get done to include fletcher and a reconfiguration is being completed for parking and striping, DCR is willing to assist with the line painting at fletcher. Mr. Rajeshkumar asked about the sidewalks getting completed, Mr. Kellaher stated the Board wanted epoxy and the machine the DPW has is not adaptable to epoxy paint and the latex paint is hard to purchase due to a shortage. Mr. Rajeshkumar asked how much the crosswalks will cost, Mr. Kellaher stated he requested to have 300,000 linear feet completed at a cost not to exceed \$90,000 to include line striping and crosswalks, he currently has 173,000 linear feet scheduled.

- **Lee/Goodale Street:**

Mr. Kellaher stated he is meeting with Bill Duzer the engineer who designed the drainage plan. He explained Mr. Duzer has left the firm that the town hired but is willing to continue working on the project. Mr. Kellaher stated he contacted the prior engineering firm and they will release all documents to Mr. Duzer at the new firm so he can pick up where he left off. Mr. Kellaher will need a signature from Nancy for the request to release documents. He explained they will be installing structures and piping to the parking lot that was just installed on Goodale to an existing culvert using the town's right of way from Lee to the parking lot. Mr. Crowley asked why previous plan which included easements will not work, Mr. Kellaher stated the property owners did not want to grant drainage easements for the town.

- **Tree Removal:**

Mr. Kellaher stated they have checked 38 trees to date, 9 are private, 3 are healthy and 22 are scheduled to be removed with 4 taken down already. He explained he requests a price per tree from Favreau as they may require different equipment. Ms. Pedone asked about the grinding of the stumps also Mr. Kellaher stated this is for the removal of the trees and when they can they will pop the stumps. He stated he is trying to get as many trees down as possible with funds available and is aware that some stumps will need to come out. Mr. Crowley stated the town does not have a stump grinder and asked if a price analysis has been completed to see if it is feasible to purchase one or to hire someone, Mr. Kellaher responded he has looked into doing a joint purchase to share with other communities. Mr. Kellaher stated he has also looked into renting equipment to remove stumps. Ms. Pedone stated the next complaints will be when are the stumps getting removed, Mr. Kellaher is aware. Mr. Rucho asked is there is a list of all the stumps that have been left from tree removal in the past, Mr. Kellaher stated there is a list. Mr. Rucho requested the list to be sent out to the Board.

- **North Main Street:**

Mr. Rucho stated there are concerns with the structures sinking, Mr. Kellaher stated he contacted the paving contractor and they will be meeting and it is their responsibility to repair if deemed faulty. Mr. Kellaher requested the public send in any concerns they may have with other structures so he can get them looked at. Mr. Crowley asked what is entailed with a repair, Mr. Kellaher stated they pop the cover and repair the sleeve of a Watergate and would not require tearing up the road.

Mr. Rajeshkumar stated at the last meeting residents were concerned with the way Laurel Street was left with backfill after paving, Mr. Kellaher responded he walked it the other day with Chief Tom Welsh and the MEMA representative and there is a lot of storm damage and they address it as they can. Mr. Rajeshkumar asked if there is a timeline, Mr. Kellaher stated there is not due to number of storms they have recently had to deal with. He reminds Raj that he is down two guys and they are doing the best they can with what they have.

Planning Board – Iqbal Ali – Crescent Builders – Accept Sewer Line in Westland Circle:

Mr. Kellaher explained the sewer line is to be maintained and is owned by an association and he disagrees with this situation. He states the lines have all been inspected and is a 2" forced main with an E1 Thrasher which feeds into a gravity system. He stated the problem with a homeowner's association being responsible for sewer lines under pavement could become devastating. He recommends that once Westland Circle is accepted by the town, the town accept the sewer also. Paul Anderson of the Planning Board agrees that a HOA should not be responsible for the sewer line and is unsure why someone made this decision but agrees the town should maintain. Mr. Kellaher stated the lines have all been pressure and vacuum tested by Weston and Sampson and sees no reason for the town not to accept the sewer. Mr. Rucho asked is they could accept the street and not the sewer, Mr. Kellaher stated the town should accept the whole package. Ms. Pedone asked if Ali

submitted plans to the Planning Board, Ms. Lucier stated he is required to submit and as-built. Mr. Anderson stated they have not received one to date. Mr. Crowley stated the Board will not vote to accept this sewer line until all requirements are completed including submission of the as-built, Mr. Kellaheer agrees. Mr. Crowley discussed that this is not the first time there has been discrepancy with permits being issued, he would like to have a meeting with the Planning Board and Building Department to come up with a plan so this does not happen again. Mr. Rucho stated he will consider adding as a future agenda item. Mr. Anderson stated the other issue is the homeowners were not aware there was an HOA in place, Mr. Rajeshkumar stated that would have been the builder's responsibility to notify them. Mr. Rucho clarified the next steps; once all information and documentation is given to Planning Board and approved, they will request it be placed on the Town Meeting Warrant for the town to vote. Marc Frieden stated the Board will need to direct the Planning Board to change the permit to public sewer. Mr. Crowley discussed the timeline; in 2008 the builder was issued a subdivision permit which had on it a private sewer that would be maintained by a HOA and other requirements, and now the Board has to decide to change the permit. Mr. Rajeshkumar stated DPW Director at the time did not want to accept the line and that is his understanding of why the Planning Board had the permit this way and believes there are emails. Mr. Rucho stated the Board can discuss at a future meeting how to fix the process but until then the Board will wait for the Planning Board to submit and article for town meeting. Mr. Rucho thanked the Planning Board members that attended tonight,

Anand Patel, Campfire – Request for Change in Hours:

Anand Patel owner of Campfire Cannabis is requesting a change of operating hours, he explained the Bylaws are strict with the hours for cannabis businesses being 8 a.m. to 8 p.m. He would like to extend his hours to 10 p.m. and is hoping the town will amend the Zoning Bylaws to allow for business to be open until 10 p.m. He requested the Board vote to recommend the Planning Board amend the bylaws. Ms. Lucier stated the process would be the Selectboard would vote to refer this to the Planning Board so they could hold a public hearing to extend the hours from 8 a.m. to 10 p.m., then an article can be added to town meeting in October, the Bylaw Committee will need to meet and submit a recommendation prior to town meeting. Mr. Crowley asked if time will allow for this to get onto the October town warrant, Ms. Lucier responded there is plenty of time.

***Motion** Mr. Crowley moved to recommend to the Planning Board that they look into the Zoning Bylaw to allow Recreational Use Marijuana Facilities be able to open until 8 a.m. to 10 p.m.;*
Mr. Kittredge second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

Jim Pedone, Chair Parks Commission

- **Update on Pride Park Project**

Mr. Pedone stated the received a full plan to retrofit the entire area to ADA Compliance and the Parks Commission and the Pride Park ADA Update Committee accepted the plan. He stated he explained to the CPC that this would be a multiphase plan, and the first phase will include the area the school uses. He stated the in the phase it will require them to add additional accessible routes to the park. He stated there has been other discussion on which

structures are to be added, he is working with Colin from O'Brien and Sons to create a prioritization of structures based on budget. He explained they have will be removing the rolling table and adding a cozy dome and add two accessible swings that were not on original plan. He stated they will then send updated structures to Alice to have the engineering plan updated and then construction documents will be created. He stated he and Gary spoke about the responsibilities of the DPW; they will remove the structures and mulch, install $\frac{3}{4}$ inch stone, grade the area and install structures this will be a cost savings for the project to help stay within budget. Mr. Rucho asked for clarification that they are budgeting based on the funds approved at town meeting from CPC Funds, Mr. Pedone stated that is correct \$250,000 is the budget. Mr. Rucho asked if the project will be the \$250,000 plus the \$150,000 from the State, Mr. Pedone stated the project will be \$250,000 only and if State funds are received the remainder needs to go back to the CPC. Mr. Crowley asked if there has been any discussion on warranty of poured in place if the town does the prep work, Mr. Pedone stated he will discuss with Colin. Mr. Rucho asked about the other portion of the park, Mr. Pedone stated they have to be treated as two separate parks due to school using part of the park and it is fully accessible. Mr. Pedone stated the town would not have to update that portion of the park as long as one park in town is ADA accessible but due to the exclusive use by the school both will need to be updated. Mr. Rucho discussed the removal of the shed in the front, Mr. Pedone stated that is a Parks Commission request to create a couple parking spots and will solve some accessibility concerns as well. He stated they will need to add a storage shed which will be easier for the users of equipment inside and this is not part of this first phase. Katie Denis stated the parking needs to be added but can be added in phases and the town will be in compliance as long as they have a plan in place and are completed in the shortest time possible. Mr. Rucho stated the charge was to make the park ADA accessible and if parking is a requirement, MS. Denis responded they will complete this in phases as allowable. Mr. Rucho asked if the park will be made compliant with the \$250,000, Mr. Pedone stated no they received a quote from Alice for \$650,000 to complete the entire project. Mr. Rucho clarified that the first phase will cost \$250,000 and he understands the charge to make Pride Park accessible. Mr. Crowley does not recall if the CPC understood the request to be only the school park but that Town Meeting understood it to be the entire park. Mr. Crowley asked about timeline, Mr. Pedone responded they are hopeful to get this project completed prior to end of November.

- **Update on Recreation Director Programs:**

Mr. Pedone updated the Board that the Parks Commission met last night and Sharon Emond provided them with an update. He stated she has organized and planned many events but has not had great response from participants and volunteers. He stated she is doing a great job but the response is low. He stated they have brought in \$2,250 in revenue from events. He explained she is working on future activities. Mr. Pedone stated some volunteers have expresses the difficulty with the onboarding process being too much effort and the previous director also expressed the same. Ms. Denis stated due to the Global Pandemic numbers may be low. Tracy Gannon requested the town give this program time to get off the ground. Mr. Pedone expressed again that Sharon is doing a great job and putting in full effort. Mr. Rucho stated of there is a recreation sponsored program the town takes on the responsibility that someone is there supervising, Mr. Pedone agreed. Mr. Rucho would like to be sure that all volunteers need to be CORI checked by the town. Mr. Rucho would like clarification if they can solicit advertising on a calendar, Ms. Lucier stated she will check but believes there is not an issue. Mr. Rajeshkumar stated she is trying her best and would like her to come a meeting and discuss events and it may help with getting events out there. Mr. Crowley stated there was a huge push to create this department but he refuses to waste tax payers' funds if the rec department is not being used. Mr. Pedone stated he never saw the petition

that had been submitted requesting this program, Ms. Lucier will locate. Mr. Pedone stated the Parks Commission wanted to be sure this was launched at the right time and they received push back to get this program going sooner than later. Tracy Gannon would like the town to give this program more time and access after year one. Mr. Pedone clarified that they do not plan on terminating the program as it is funded for approximately two and half years and are hopeful the program will be successful and would like people to utilize the programs or send some program requests. Mr. Rucho is hopeful that the program will succeed and everyone wants it to succeed.

NEW BUSINESS:

- **Consider request from The School Yahd, 216 West Boylston Street for a change of hours:**

Ms. Lucier stated they received a request from The School Yahd to amend their hours to Monday through Thursday 12 p.m. to 1 a.m., Friday 12 p.m. to 1 a.m., Saturday 10 a.m. to 1 a.m., and Sunday 10 a.m. to 11 p.m. She explained this does not require a public hearing only approval from the Board

***Motion** Mr. Crowley moved to approve the request; Mr. Kittredge second.*

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

- **Acknowledge receipt of All-Alcoholic Beverage License issued to Ari's Tavern, West Boylston Street:**

Ms. Lucier stated they received an email but not the physical license, the email stated they have not been open since mid-January and the business has sat dormant since and they do not plan to open.

***Motion** Mr. Crowley moved to accept the license turned in; Mr. Kittredge second.*

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

- **Private Street Bylaw Discussion & Board Policy on Emergency Snow and Ice Removal:**

Mr. Rucho requested to add this to a future agenda.

- **Discuss hybrid meeting format:**

Mr. Rucho stated the Town Hall will have added equipment with the repairs being made to have hybrid meetings in the Selectboard meeting room. He explained until then they will continue with Zoom or live meetings. Katie Denis stated the Board should consider

developing a policy so every meeting could be hybrid. She stated many other communities are doing this and there is legislation currently being discussed to make this a rule. She believes remote meetings bring more participation. Mr. Rucho stated they can discuss a policy in the future once the meeting room is completed. Mr. Crowley stated not all meeting will be hybrid in the future as they do not have all meetings even televised. He stated they are speaking about specifically the Selectboard meeting room. Mr. Rucho stated the town is a small town and they do not have the staff to guarantee they can make this happen.

- **Senior Center heat, lighting, locks (CR):**

Mr. Rucho requested a discussion on the Senior Center Building; he was there attending a meeting the other night and the A/C was not operating and the lighting in parking lot shut off early and the access for residents and committees to use. He stated they have adjusted the setting for the A/C and light timer and the Director is working with access control vendor to get the key pad access working. Ms. Lucier clarified what the timers were set to and what changes were made to the occupied time and the light were changed to 11p.m. Mr. Crowley asked for clarification on how the timers work, and requested other people be trained on system. Ms. Lucier would rather have system run after meetings over than to have people accessing the system.

- **Consider signing letter to the Secretary of Energy & Environmental Affairs for the release of the \$1,000,000 in the 2018 Environmental Bond Bill for Goodale Park:**

Motion Mr. Crowley moved to approve letter as presented; Ms. Pedone second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

- **Discussion of Board of Health mask mandate vote:**

Mr. Rucho explained the Board of Health voted at a previous meeting a mask mandate in all businesses, churches town offices and schools to begin today but is not actually starting today due to a technicality. Mr. Crowley stated he watched the meeting twice and starting at the 24:32 minute mark of the meeting there was a motion and a suggestion was made to contact town counsel. He stated but at they did not amend the motion but at the 26:25 mark before the vote was taken there were three verbal agreements that the language of the motion was to be reviewed. He stated town counsel was sent two emails and neither response had that stated that they had reviewed the language of the actual motion that was made. He felt that because their vote was to have a review of motion before it comes into effect, that has not happened what they voted for has not taken place. Mr. Rucho looked into the agenda item with the Attorney General's office and has an email that they agree 100% that this topic was not correctly posted. Mr. Rucho believes the Board of Health needs to hold another meeting and have another agenda. Mr. Crowley expressed his discontent with KP Law and the responses the town receives and would like to add as a future item for discussion on services provided and they refuse to answer questions asked. Ms. Pedone would like more communication from the Board of Health in regards to a mandate without notification to businesses and residents. Ms. Pedone stated the Board of Health did not have any

transparency. Mr. Crowley disagrees with creating a mask mandate and will crush businesses in town and requests the Board of Health needs to have a discussion with the community. He stated this is a public health policy and should not be put in place without any public comment. Mr. Rucho stated the Board of Health leaned onto the Worcester Health Alliance and the States mandates and no other alliance communities are placing a mandate and they did not lean on them for this mandate. Mr. Rajeshkumar stated the biggest issue is how will they enforce this mandate. Robert Barrell, Board of Health Chairman stated they may not be experts and knew they were pushing the margin and just wanted to be proactive. He stated Worcester County has substantial transmission and CDC recommends mask wearing indoors. He stated the delta variant is more contagious and even if vaccinated you may still get sick. He stated they are only trying to keep the community safe. Mr. Barrell knows it is not convent to wear mask but it is important to protect each other. He stated they have had 18 cases since August 1st. He stated they will revote this at their next meeting on September 8th. Mr. Crowley stated a mask mandate is devastating to West Boylston businesses if they people are mandated to wear a mask, people will travel to the next town to a business without a mandate. Mr. Barrell disagrees and some business owners wish to protect their staff. Tracy Gagnon stated 62% of people in West Boylston are vaccinated. She it is their task to look at the science and data. She gave her background of dealing with the COVID. She stated the vaccine is a cure and people need to get vaccinated. She stated they are professionals and need the support of the Selectboard. She stated they discussed how to contact businesses with implementing a mandate. Ms. Pedone clarified that the agenda and the conversation in the meeting was not transparent and would like them to give notice and people a voice. Mr. Rajeshkumar stated the enforcement will be a huge issue and asked how they will enforce this. Mr. Barrell stated that is a good question. Mr. Barrell stated they will hear from the community and revote this issue at their next meeting. Ms. Gagnon stated they work with everyone in the community and are just trying to be proactive and reduce transmission in the community. Mr. Rucho stated the Alliance has been the go-to for the Board of Health and asked why is not the Alliance advising they towns need a mask mandate. Mr. Barrell stated there is a lack of leadership from the state level now and in regards to the vaccination process and not with variant transmission. Mr. Barrell stated the Alliance does not set policy they interpret for the town. Ms. Gagnon stated even is they cannot enforce it if 90% of population masked up it will help with the transmission rate. Mr. Crowley stated if there is a mandate it means you must follow and must be enforced.

APPOINTMENTS & RESIGNATIONS

- **Concurrence on the appointment of Caroline Espe to the Cultural Council effective August 23, 2021 for a term to expire on April 20, 2024:**

Motion Mr. Crowley moved to approve; Ms. Pedone second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

- **Concurrence on the following 2021 Town Administrator Reappointments:**

MUNICIPAL BUILDINGS COMMITTEE	Raymond Bricault	4-30-2021 (1 yr)
FACILITIES IMPLEMENTATION & STRATEGIC PLANNING	Raymond Bricault	4-30-2021 (1 yr)
PEG PROGRAM CO-ORDINATOR	Christopher Rucho	6-30-2021 (1 yr)
ECONOMIC DEVELOPMENT CMTE	Marc Friedman	6-30-2021 (3 yr)

Motion Mr. Crowley moved to approve; Ms. Pedone second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

- **Vote to approve the following 2021 Selectboard Reappointments:**

FINANCE COMMITTEE	Raymond Bricault	6-30-2021 (3 yr)
ELECTION WARDEN \$11.25/hr	Barbara Deschenes	8-15-2021(1yr)
DEPUTY WARDEN \$11.25/hr	Barbara Mard	8-15-2021(1yr)
ELECTION CLERK \$11.25/hr	Mary Noyes	8-15-2021(1yr)
DEPUTY CLERK	Lynn Harding-McGrail	8-15-2021 (1yr)
ELECTIONS CONSTABLE	Gerald Condon	8-15-2021 (1 yr)

AFFORDABLE HOUSING TRUST BD OF

TRUSTEES, A/K/A HOUSING PARTNERSHIP Robert Barrell **6-30-2021 (2 yr)**

Motion Mr. Rajeshkumar moved to approve; Ms. Pedone second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

TOWN ADMINISTRATOR'S REPORT

1. Town Meeting Schedule

Town meeting is scheduled for Monday, October 18, 2021 in the auditorium of the Middle/High School. We will be accepting warrant articles until noontime on Thursday, September 9th. The articles will be reviewed at a special meeting on September 22nd at which time the Board will official close and sign the October 18 2021 town meeting warrant, which will be posted on October 1. I've spoken with the Chair of the Board of Health and he tells me that at this time, if people are required to be masked inside a building, they would need to stay three feet apart.

Mr. Rucho asked about the three-foot distance as the Board of Health never stated that at their meeting. Ms. Lucier reminded the Board that in October it will be dark at 6 p.m. Ms. Pedone would need to request more information from the Board of Health from their September meeting. Mr. Rucho agrees with Nancy, Mr. Crowley would like to consider having it outside again. Ms. Lucier stated they would need to discuss the date at their next meeting.

2. Capital Requests

Chris Berglund is serving as Chair of the Finance Committee for the upcoming year. We met back on October 9th to go processes. Capital request forms were sent out to all municipal departments. They are due back to my office by December 1st. Ten-Year Capital Plans are due back by January 1st. He asked how we were coming with our discussion with the Town of Boylston as far as any regional efforts. I let him know that I am trying to schedule a follow up to our meeting of April 21st. At that time, we agreed to share personnel. We have a tentative meeting, yet to be confirmed by Boylston, scheduled for August 30th to review how that arrangement is working. One of the Best Practices with the Community Compact Cabinet is Efficiency and Regionalization. If we intend to move forward, I highly recommend we apply for grand funds to do a Feasibility Study and that grant round opens up on January 10, 2022.

3. Update on Disability Commission (vote on Commission Members)

Under Article 26 of the May 17, 2021 town meeting the Town voted to accept adopt MGL 40, 8J to establish a municipal Commission on Disability. Per Jeff Dougan, Assistant Director for Community Services with the Massachusetts Office on Disability, under that statute, the COD membership (5-13 members) is laid out as follows:

- A majority of members shall be persons with disabilities;
- 1 member can be an immediate family member of a person with a disability; and
- 1 member shall be an elected or appointed official of that city or town.

Jeff advised that there's a little wiggle room to meeting the intent of 8J while not necessarily having pool of applicants that meet every seat's earmarked designation; however, he did point out that the statute does lay out this membership using "shall" which has also been interpreted as "must".

On July 9th I provided Notice to the community that I was accepting applications for appointment to the newly formed Disability Committee. Tonight, I am pleased to bring forward the following residents for appointment:

Marcia Cairns	3 years – September 1, 2021 – August 15, 2024
Patrick Crowley	3 years - September 1, 2021 – August 15, 2024
Kim Hopewell	2 years - September 1, 2021 – August 15, 2023
Ron Menard	2 years - September 1, 2021 – August 15, 2023

Michael McConville 1 year - September 1, 2021 – August 15, 2022
Edward Ramstrom 1 year - September 1, 2021 – August 15, 2022

These individuals will fill the 6 of the 7 slots on the Disability Committee. I have not yet received an application from a resident who is an immediate family member of a person with a disability. I will hold that spot open until such time as someone steps forward.

I would like to thank the individuals who stepped forward and as mentioned in the Notice, the Commission will be working with the Collins Center and will take the lead role in the selection, prioritization and implementation schedule of programmatic and facilities mitigation steps, as well as the public input process for the Transition Plan for the town. All meetings will be posted and open to the public to attend.

Motion Mr. Rajeshkumar moved to approve; Mr. Crowley second.

Katie Denis is the resident that petitioned for the Committee to be established and has background and experience and is disappointed to not have been appointed. Ms. Lucier stated she has appointed everyone that has met the criteria as spelled out. Ms. Denis does have immediate family members with disabilities and will reapply but was hoping other people in town would have applied.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

- Wednesday, August 25th, 4:00 p.m. – Concert with The Hip Sayers at the Senior Center
- Friday, September 10th, 4:00 p.m. – Art show & Reception by WB Resident Shirley Hunter Smith at the Senior Center

FUTURE AGENDA ITEMS/SELECTMANS REPORTS:

- Mr. Crowley would like to add to a future meeting an update on town hall every meeting until completed.
- Mr. Rucho stated the town hall insulation is completed and the sheet rock is almost completed 95% and plaster is beginning 60% completed. He stated the project will continue moving forward but looking at an October 1st completion date depending on materials.
- Mr. Rajeshkumar asked about the meeting room not being completed by October 1st, Mr. Rucho is hoping it will continue to moving along but meeting room materials are running behind.

EXECUTIVE SESSION: Consider entering into executive session under the provisions of Massachusetts General Laws Chapter 30a, Section 21(A), Part 3 to discuss strategy with respect

to contract negotiations and the Chair declares that an open meeting discussion may have a detrimental effect on the bargaining position of the public body.

Motion: I move to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30A, Section 21(A), Part 3 to discuss contract negotiations with the DPW Director Candidate and Chair declares that an open meeting discussion may have a detrimental effect on the bargaining position of the public Body at 9:35 p.m.

Roll Call Vote:

***Motion** Mr. Crowley moved to enter executive session at 9:35 p.m. and to reconvene in open session following; Mr. Kittredge second.*

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

Roll Call Vote:

***Motion** Mr. Crowley moved to exit executive session 9:50 p.m.; Mr. Rajeshkumar second.*

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

NEW BUSINESS:

- **Consider voting to approve appointment of DPW Director**

Ms. Lucier announced Kevin Duffy has been chosen as the new DPW Director with a three-year term effective September 13, 2021.

***Motion** Mr. Crowley moved to approve; Ms. Pedone second.*

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

- **Consider voting to approve 3-year employment for DPW Director**

Motion Mr. Rajeshkumar moved to approve; Ms. Pedone second.

Roll Call Vote

Mr. Kittredge, yes

Mr. Rajeshkumar, yes

Ms. Pedone, yes

Mr. Crowley, yes

Mr. Rucho, yes

All in favor

Approved

Motion Mr. Crowley moved to adjourn at 9:53 p.m. Ms. Pedone, second all in favor.

Respectfully submitted,

Approved:

Faye D. Zukowski, Municipal Assistant

Christopher A. Rucho, Chairman

Barur R. Rajeshkumar, Vice Chairman

Patrick J. Crowley, Clerk

Michael J. Kittredge III, Selectman

Kristina Pedone, Selectman