

Members present:      Allen R. Phillips                      Kevin M. McCormick  
                                 John J. O'Brien                              Steven J. Quist  
                                 Christopher A. Rucho

Mr. Phillips convened the meeting at 7:00 p.m.

**Read and Acceptance of Minutes from Previous Meeting**

Motion Mr. McCormick to approve the regular session meeting minutes from April 18, 2012, seconded by Mr. Quist, all in favor.

Motion Mr. McCormick to approve the executive session meeting minutes from April 18, 2012, seconded by Mr. Quist, all in favor.

Motion Mr. McCormick to approve the regular session meeting minutes from April 25, 2012, seconded by Mr. Quist, all in favor.

**Drawing For Remaining Islands/Squares**

According to the Board's Policy, should there be any remaining Squares/Islands to be adopted after the initial drawing in March, the Board of Selectmen will post the information on the town's website and hold a second drawing at their first regularly scheduled meeting in May. To date the following have been adopted The following islands/squares have already been adopted: Huntington Square at Beaman and North Main Streets by the Bouchard, Dickerson and Forhan Families, Crescent Street at Thomas Street by Finders, Woodland Street at Route 12 by Keepers, Worcester Street @ Route 12 by Allen Phillips and Church Street @ Route 12 by Finders & Keepers

Mr. Gaumond announced that Malden at Goodale Streets has been adopted by Maryann Schelin/Remax Advantage I and Kings Mountain at Yorktown Road has been adopted by David Eagan, Eagan Plumbing. All parties will be notified and we still have a couple more islands/squares available. All the information will be posted on the website if anyone is interested.

**Collins Center for Public Management – Human Resources Operations and Practices Audit Report**

One of the goals from last year was to improve our HR functions in the town. Mr. Gaumond worked with MIIA and received a grant to fund an HR audit. The Collins Center for Public Management was selected to perform the audit. Mr. Gaumond feels this is a living document for the town with a check list of the things we should be working on for the next few years.

Both Mary Aicardi and Robin Haley, Associates with the Collins Center joined the Board. Ms. Aicardi stated that they loved this assignment. The Collins Center originated three years ago within the McCormack Graduate School. The purpose of the Collins Center is to fill needs for municipalities. They offer a wide array of services including HR audits, executive recruitment and public works studies. She is also the former HR Director for the Town of Waterbury. Mr. Haley has done numerous organizational studies. They applaud the town for taking this proactive step and noted that MIIA looks at this as a prevention measure. The audit is a tool, not a weapon.

Ms. Aicardi reports that she is pleased to say that West Boylston is a very well run community. Their biggest recommendation they have is the Personnel Bylaw review. She feels we have a good process in place. One recommendation is to remove a lot of the personnel function from the actual bylaw, which dictates how job descriptions are written and in this litigious world we need to act quickly. They suggest that we take a look at removing many of the benefits from the personnel bylaw.

As you want to have the ability to make changes in the bylaw and it ties you hands when filling a position. They have a sample Statement of Equal Opportunity, which they recommend be included and reviewed by Town Counsel in terms of compliance. They have reviewed our job application and while West Boylston is a small community, it is very progressive and we should be commended for that. We also have a wonderful new Hire Checklist, which is uniform system which everybody must go through. You keep your personnel files beautifully. They are in compliance with medical records being put in their own file. They are recommending a few changes. The first is a change to the Family Medical Leave Act, which needs to be updated and the inclusion of the Small Necessities Leave Act. The classification system and job descriptions have not been looked at in a while. They do not see a flood of turnover, as West Boylston is an attractive place to work. We know that when a position is vacated it is getting reviewed and updated. Reference checks can be an area where there can be some liability. You have to document reference checks. The outlining departments also keep personnel records. It is recommended that they follow the Town Administrator's way of keeping personnel records. They also recommend the town adopt a list of policies including Workplace Safety, Drug Free Workplace, Social Networking, and Whistleblower Protection, not that any of these things have been problems in West Boylston.

In terms of training, make sure there are check lists of who has been training. Both MIA and the EAP have opportunities of free or low cost training as well as Kopelman and Paige. A huge compliment to the community is the pilot program the town is using on its third party benefits administration. They also did a comprehensive survey of the surrounding communities and if anything, the other communities were happy to get West Boylston's data because they are using it as their model.

Mr. Phillips asked about the HR Audit Checklists and what the 'I' designation stood for. Ms. Aicardi explained that it stands for inconsistent. Some employees do not benefit from the same orientation. It is not standardized, it is not bad, however, it is inconsistent. Mr. Phillips questioned why we would not keep all the personnel files in our area. Mr. Gaumond explained that the Police Department has working files. They keep theirs as well as us keeping ours. They may feel because of the nature of the job and public safety that there are certain things they need to keep themselves. The official file is kept at town hall. Ms. Aicardi explained that sometimes the risk is some things do not get forwarded. Having a copy of something would not be a problem. The Police Chief has statutory responsibility of the 111F and it lends to contradict the personnel regulations. Ms. Aicardi thanked Nancy Lucier for everything she did noting that she is tremendously talented.

## **NEW BUSINESS**

### **1. Town Warrant Items**

The first article for the Board to review is the Sewer Budget. The total budget will be \$1,787,423. Included in the operations and maintenance line item are some capital improvements. The budget is broken down and funded as follows: Administration \$126,500, Operations and Maintenance \$1,259,692, Reserve Fund \$20,000, Debt and Interest Payments \$361,231, Capital Reserve \$20,000, for a Total Budget Appropriation of \$ 1,787,423 and to meet said appropriation through: the appropriation of One Million One Hundred Eighty Thousand Dollars and No Cents (\$1,180,000.00) from Fiscal Year 2013 Sewer Enterprise Fund User Revenue, and the appropriation of Three Hundred Sixty-One Thousand, Two Hundred Thirty-One Dollars and No Cents (\$361,231.00) from the Fund Balance Reserved For Sewer Betterment Debt Service, and the appropriation of Two Hundred Forty-

Six Thousand, One Hundred Ninety-Two Dollars and No Cents from Sewer Enterprise Retained Earnings (\$246,192.00).

Motion Mr. McCormick to approve the sewer budget as submitted, seconded by Mr. Quist. Mr. O'Brien questioned how the budget compared to last year. Mr. Gaumond offered to send him last year's figures. Vote on the motion – all in favor.

The second item is a DEP fine, which is a bill from previous year. The town received a fine back in 2008. At that time former DPW Director John Westerling received a notice for failure to comply with a request to file a Stage 2 Vapor Recovery Report which needed to be sent to DEP on the fuel pumps. We have evidence that the inspections were done, however, we are not 100% certain that the reports were filed.

The next item is the request from the Board of Assessors to have the town adopt Chapter 59, Section 5, Clause 54. Brad Dunn, Chairman of the Board of Assessors joined the Board to explain the purpose of the request, which will allow the town to limit personal property taxation. He noted that it is happening quite a bit in towns in central Massachusetts where they are finding that the total tax bills are ridiculously small so the collector came to the Board of Assessors to make them aware that it is costing them more to send out the request than we are getting in. They suggested \$1,000 as a threshold and after reviewing all their accounts, they found that they would produce 36 bills which amount to \$363 per year. As Assessors they are bound to do the calculation and it makes more sense for the collector not to collect under \$1,000. Mr. Dunn indicated that he would be at town meeting to address any questions attendees may have after the Board makes the motion.

At the Board's last meeting they discussion whether to include a sunset clause for future capital items. Mr. Rucho explained that on the warrant there is an article to reauthorize several items, one of which had a sunset class for less than a year. He suggested including a one year clause and other board members suggested two years. Mr. McCormick would like to eliminate the sunset clause because often the process is prolonged during the bidding stage and you also have to allot time to write specifications. He suggested cleaning up unused appropriations when we need to at town meeting. Mr. Rucho does not mind extending the sunset clause for two years, however, if you go to town meeting and you ask for money if it does not get done in two years it means that the project is not in need of money. We found some items that were tens of thousands of dollars on projects for over 8 years.

Motion Mr. McCormick to do away with the sunset clause, seconded by Mr. O'Brien. Mr. O'Brien questioned the sunset clause. Mr. McCormick explained that the clause says if you do not use the appropriation within the time the money goes back to its source and if the deadline is missed, the request needs to go back before the town. Mr. Rucho thinks the town should know that the project we went to town meeting and asked for money for is not being done. He does not mind a 2-year sunset clause and noted that one of the items on the warrant was less than one year because the parks were waiting for good weather. He also suggested one year to move smaller projects along and a longer period for larger projects. Mr. Phillips agrees with Mr. Rucho that we should set a time frame. We should not bring things forward and ask town meeting for money if the project is not ready to be moved forward. If we set a substantial time frame to complete it and they do not make it the money should be coming back to the town. Mr. McCormick noted that all the items on the warrant were commenced during the time frame, they just took time to get completed. In addition, if we are going to set a sunset clause he does not think everyone should be at two years as some items need more time. He thinks you need to look at each project and say realistically how long it will take. Mr. Rucho feels that if it takes two years to put a roof on a building, after two years the money should go back because then we really didn't need a roof. Mr. Gaumond feels that depends on the complexity of the project. He suggested middle ground and have a sunset clause that a project be initiated by a certain date.

Vote on the motion – Mr. McCormick and Mr. O'Brien yes; Messrs. Phillips, Quist and Rucho no.

Motion Mr. Rucho to include a 2-year sunset clause on the project and we can always bring it back to town meeting. Mr. Phillips asked Mr. Rucho if he wanted to include if the project is initiated. Mr. Rucho questioned who defines that. Motion seconded by Mr. Quist. Vote on the motion – Messrs. Phillips, Rucho, and Quist yes; Messrs. O'Brien and McCormick no.

### **Meet With Board of Health and Derick Brindise Regarding Regional Health Initiative**

Derick Breindise of the city of Worcester joined the Board and presented a power point presentation on the regional health initiative. He explained that this begin about 18 months ago. The Lt. Governor has been pro active on regional services. He noted that every community provides public heath services differently and Boards of Health are typically reactive. With the regional health initiative they plan to be more pro active. The City of Worcester received a \$50,000 grant award to begin this process and they were given a district incentive grant in the amount of \$15,000 for planning purposes. In January they received \$100,000 in implementation money. When they started there were 12 communities involved. They have two main focuses, one being tobacco and the other is childhood obesity. As a group they developed goals to move the organization effectively. They have a goal of being accredited. They are data driven and evidence based.

The six communities involved include Worcester, Shrewsbury, Millbury, Leicester, Holden and West Boylston. The department will be located on Mead Street in Worcester and all individuals will be city officials providing services to the six communities. Every community has an equal vote on the governance board. He worked with the Police Department on the Take Back of Prescription Drug Program. The additional services they expect to do include an Annual Indicator Report, a public relations person who issues media advisories, health promotions, they have 24-7 coverage, data collection surveillance. They look at the social economic factors they have an impact on public health.

Mr. McCormick asked of 5 communities who decided not to be included in the partnership, was there any reason why they decided not to go forward. Mr. Brindise advised that one was satisfied with the work they are currently delivering and another was not interested from day one. They are now coming back and asking questions. Some didn't give any reason at all. He does not think they wanted to take a risk. The risk they run now is the six towns that make up the governance body has to decide if they want to let other communities in.

Mr. Gaumond noted that the Board of Selectmen has been pushing regionalization for quite a few years. This has been a very time consuming and complicated process. There is a lot that goes into the sharing of resources. He has had a number of meetings to discuss this. Mr. Rucho recalled a meeting at which he asked about a plan on what this will cost now and in the future, five or ten years out. Mr. Brindise stated that they cannot predict ten years out. They created a formula they thought would be fair based on \$1.00 per capita .5 FTE and looked at current inspections and multiplied that by the lowest paid employee to complete that work. Moving forward the basis of the work is based on the data give to them. Those conversations happen at the governance level, to try to figure a way it can work for all communities and that it is fair. Then a 3% cost of living adjustment is added in each year.

It will cost West Boylston \$30,000 and the City of Worcester will employ the person who currently works in West Boylston. Mr. Brindise explained that if the six towns want to do a special project they would discuss it. Mr. Gaumond noted that this would not impact the West Boylston Board of Health as they would continue to operate as an independent Board separate from the Worcester collaborate and they would still have policy making decisions with in the Town of West Boylston. We have a moral obligation to our employees to make sure they are taken care of and what you would be

entitled to as an employee of Worcester. The services the town would get are outline in the appendix and the town of West Boylston employee would become an employee of the City of Worcester. She would report to West Boylston but have an office in Worcester as well it would be pretty much status quo. She would also attend Board of Health meetings.

Mr. Phillips asked where the fees and money collected are going. Mr. Gaumond advised that they will come into the Town of West Boylston go into our revolving fund. Mr. Gaumond noted that the other issue where we could see savings is outside people who would need to do inspections such as septic and instead of paying an engineering firm we would work with the regional collaboration on this. He noted that he was also interested in was the termination of the agreement if we think we made a mistake there are clauses on getting out. Mr. O'Brien asked for clarification on if we go forward with this, we pick up additional state mandates. Mr. Brindise explained that currently that is the primary focus. You will get that done and they will be able to provide other services as well. You will see and hear more from your local health department through this arrangement. Mr. Gaumond's interest is not necessarily to save money but to have a product that we will be proud of and happy with. We do a decent job of being reactive and where we do a less than adequate is the pro active side. This past Saturday we had a prescription take back program in partnership with the City of Worcester. Mr. McCormick questioned whether the take back program was successful and Mr. Gaumond indicated that he thought it was. Mr. Gaumond noted that no action is required by the Board of Selectmen this evening as we are still in the negotiation phase. The agreement has been reviewed by Town Counsel and some of the recommendations have been incorporated into the agreement, which will come forward shortly. Prior to going forward, Mr. McCormick would like to sit down with the Board of Health and the Board of Selectmen and go over a few things. It was agreed that he will meet with the Board next Wednesday evening at their meeting.

**NEW BUSINESS (cont.)**

As allowed under MGL Chapter 44, Section 33B, Mr. Gaumond presented the Board with the following end-of-the-year transfer requests.

The first is for Public Works, a transfer of \$22,000 from Health Insurance to Purchased Services to cover the costs for parts for the sweeper, police vehicles and catch basin truck.

Motion Mr. McCormick to approve the request, seconded by Mr. Rucho, all in favor.

The second request is for Public Works, a transfer of \$8,000 from Health Insurance to Salaries and Wages as the snow and ice account was not used to pay straight time associated with snow and ice control. The FY13 budget has been amended for this year.

Motion Mr. McCormick to approve the transfer, seconded by Mr. Quist, all in favor.

The third request is for Trash Removal, a transfer of \$4,230 from Health Insurance to Trash and Tipping to pay for the purchase of trash bags.

Motion Mr. McCormick to approve the transfer, seconded by Mr. Quist, all in favor.

The next request is for the Police Department, a transfer of \$20,000 from Health Insurance to Salaries and Wages to cover periods of extended sick leave and shift coverage resulting from the resignation of one of our officers.

Motion Mr. Rucho to approve the transfer, seconded by Mr. O'Brien, all in favor.

The next request is for Veterans Benefits, a transfer of \$16,000 from Health Insurance to Veterans Services to cover May and June benefits.

Motion Mr. Rucho to approve the transfer, seconded by Mr. Quist, all in favor.

Mr. Phillips recused himself.

The next request is for an intradepartmental transfer for the Fire Department, a \$10,000 transfer from Salaries and Wages to Purchase Services. This will cover the cost of EMS reporting software.

Motion Mr. McCormick to approve the transfer, seconded by Mr. Quist, all in favor.

Mr. Phillips returned.

3. Consider reducing the membership of the Town Common & Bandstand Committee from 5 to 3

Mr. Gaumond wrote a memo to the Board a few months ago on this. The Committee has been operating quite fine with less than five members for a number of years and we have advertised these vacancies with no one stepping forward. Mr. Rucho asked Mr. Gaumond if he could see any way we could merge this committee with another committee. Mr. Gaumond did review whether it would make sense to combine the Bandstand Committee with the Celebrations Committee. What he found is the two committees are very different. Celebrations coordinates the annual Memorial Day exercise and we may be asking them to do some other celebrations as well. They have authority to spend money out of the Celebrations Revolving Fund. The Bandstand Committee focuses on the structure of the bandstand and running the concert series. He does believe that some changes need to be made in the policy as currently the policy states that the Town Administrator will maintain the log and schedule use of the Bandstand. He thinks that is inappropriate and in addition he thinks that the Board should think about the language in the policy which indicates that everything must be free of charge. If the town incurs costs, do we have the ability to cover those costs, the answer is no. He noted that people use the Bandstand for weddings and he thinks this is something we should think about. He did speak to members of the two committees who feel that they were probably best left along. Mr. Rucho suggested redesigning the committees into one new committee to do both functions. Mr. Gaumond will continue to work with the two committees.

Motion Mr. Rucho to concur with the request to reduce the membership of the Town Common & Bandstand Committee from 5 to 3, seconded by Mr. McCormick, all in favor.

4. Concurrence on the appointment of Neil Norum as Director of Veterans Services effective May 1, 2012 through June 17, 2012

Motion Mr. McCormick to concur with the appointment, seconded by Mr. Rucho, all in favor.

5. May 1 is Silver Star Day

The Board's Signature File contains a proclamation declaring May 1<sup>st</sup> Silver Star Banner Day in the Town of West Boylston to honor the wounded and ill soldiers of the Town of West Boylston.

Motion Mr. Rucho for the Board to sign the proclamation declaring May 1<sup>st</sup> Silver Star Banner Day in the Town of West Boylston, seconded by Mr. McCormick, all in favor. Mr. Gaumond will add this to the town's website and send out a blog.

6. Concurrence on the appointment of James Bartlett to the Insurance Advisory Committee

The Police Union has changed their designee from David Richardson to James Bartlett.

Motion Mr. Rucho to concur with the appointment of James Bartlett to the Insurance Advisory Committee as the designee of the police union, seconded by Mr. McCormick, all in favor.

## **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. May 18, 8:00 a.m., CMRPC Legislative Breakfast at Union Station

2. Announce that the Police Department has received a Department Training Grant and EMD Grant in the amount of \$23,552

3. Announce that the town will be receiving \$1,400 in Property & Casualty participation credits and \$949 in Workers' Compensation participation credits from MIIA

4. May 21, 6:00, Board meeting prior to town meeting in cafeteria of Middle/High School

5. May 21, 7:00, Semi-Annual Town Meeting at Middle/High School

6. Mr. Gaumont announced that the Council on Aging is looking for a home for the organ and pool table, which they are storing at the Mixter Building. If you think you can assist, please contact the office of the Town Administrator or the Council on Aging.

### **SELECTMEN'S REPORTS**

Mr. McCormick attended the annual appointment coffee held last Saturday morning at town hall. He noted that was well attended by quite a few of our appointees and the Town Clerk provided an update on the Open Meeting Law. On behalf of the Board, he also attended the 100<sup>th</sup> birthday celebration for Helen Kelley at the Senior Center.

### **FUTURE AGENDA ITEMS**

Mr. Rucho inquired as to the condition of the street sweeper. He noted that we have always discussed going out to bid for that service and we always said as long as the street sweeper works we will continue with the program. However, the cost to keep the vehicle running is increasing. Mr. Gaumont advised that Mr. Baruzzi is working on a cost benefit analysis as before the Finance Committee or the Board of Selectmen would consider the purchase of a new sweeper that would need to review that analysis. We are also two weeks ahead on our sweeping schedule.

Mr. Rucho stated that on March 7<sup>th</sup> we had an issue with an executive session and it was asked by the Board that Mr. Phillips would look into it. He emailed Town Counsel and Mr. Phillips a couple of times and whatever he needed to do he has done. He would like this item on the agenda.

Mr. Phillips stated that he has had many discussions with Town Counsel. Mr. Rucho noted that the issue was in regards to a letter with more detail in it and town counsel wrote the letter with more detail on it. Mr. Phillips asked Mr. Rucho if he wanted an open or closed session. Mr. Rucho stated that Mr. Phillips should talk to Town Counsel and whatever she says that is what it will be, either open or closed. Mr. Phillips noted that because it is Mr. Rucho's request to put this on the agenda, he wants to know how he wants it put on. Mr. Rucho indicated that he did not receive a letter from Town Counsel. Mr. Phillips stated that the last time he spoke with town counsel she said she sent Mr. Rucho the information he requested and she sent you the differences in what is allowed for discussion in open or closed session. Mr. Rucho replied that he never had a question on open or closed and that is why the minutes from March 7 say Mr. Phillips will contact Town Counsel and if she says it can be open session he will do this in open session. She said it could be open or closed. She gives an argument for going either way. She also said it is best for this type of issue to be done in closed session. He added that Mr. McCormick asked for more detail. Mr. Rucho is fine with the letter that will give the board more information. Mr. Phillips asked Mr. Rucho how he would want it on. Mr. Rucho stated that he does not get paid to tell us the laws. At the end of town counsels comments she says I recommend this type of issue be done in executive session. He added that in the minutes of March 7<sup>th</sup> all he was supposed to do was to give her more detail. Mr. Phillips agreed to include it on an executive session. Mr. Rucho is fine with the next meeting. He also noted that at the meeting it was asked to have Mr. Phillips speak with Town Counsel, not himself. He further stated that if the Board wants anything more than was said at the March 7<sup>th</sup> meeting he would ask the Chairman to look into it.

Mr. Phillips noted that as the Chairman he can only do so much as some of these items have to do with the Fire Department and he would need recuse himself. Mr. Rucho stated that it has already been said in the minutes that this is about Mr. Gaumont. For the meeting on the 16<sup>th</sup>, Mr. O'Brien requested all new correspondence. Mr. Phillips would like to have Town Counsel present for the meeting. Mr. Rucho feels the last letter counsel wrote can be sent to the Board. He added that that he

did not receive any letters from Town Counsel, just emails and the letter that needs to be signed by Mr. Phillips from Town Counsel needs to be sent to the person immediately so that it can be on the next meeting.

Mr. McCormick asked if there had ever been a meeting between Mr. Rucho, the Chairman of the Board of Selectmen and the two individuals always in question in this whole thing. Mr. Phillips advised that it has not happened or been requested. Mr. Rucho stated that he has never had a meeting and it needs to be discussed by the Board. Mr. McCormick suggested a meeting with the two individuals in question, Mr. Rucho and Mr. O'Brien. Mr. Rucho stated that no meeting ever happened and he has no problem sitting down and talking about it. Mr. McCormick thinks that should happen and then there may not need to be an executive session on May 16<sup>th</sup>. Mr. McCormick suggested brokering a meeting with the four people first and if Mr. Rucho is not satisfied then we will have a meeting. He thinks maybe it is a little misunderstanding and handling it this way to start. Mr. Rucho has no problem if we can talk and town counsel agrees we can have a meeting with the three of us. Mr. McCormick will request Mr. O'Brien broker a meeting and if Mr. Rucho is not satisfied we will come back and then have a meeting with the Board of Selectmen. Mr. O'Brien also agreed.

With no further business to come before the Board, motion Mr. O'Brien at 9:10 p.m. to adjourn, seconded by Mr. Quist, all in favor.

Respectfully submitted,

Approved: May 16, 2012

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Nancy E. Lucier, Municipal Assistant

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Allen R. Phillips, Chairman

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John J. O'Brien, Vice Chairman

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Christopher A. Rucho, Clerk

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Kevin M. McCormick, Selectman

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Steven R. Quist, Selectman