



Board of Selectmen

Date of Meeting: Monday, January 28th, 2019
Time: 6:12 PM – 6:55 PM
Members Present: Selectmen Mike May and Jamie Underwood; April Steward, Town Administrator; Town Counsel Stephen Madaus and Alison Mack, Administrative Assistant to the Board

The meeting commenced at 6:12 PM.

Financial Warrants were signed in agreement.

Pledge of Allegiance was recited.

Selectmen's Meeting Minutes: *The minutes of 12/17/18 and 01/14/19 were presented but without a quorum, it was decided to review them during the next meeting on 02/11/19.*

Reports: Town Administrator

Town Administrator's Report to the BOS:

1. Tuesday, January 15th, I went out to Mass Development to meet with the Nashoba Valley Town Administrator's group. Sean Cronin from DLS was the guest speaker. He presented a brief recap of the many different grant opportunities that are available. He also mentioned that a new Muni bill could be in the future and if there are any requests we should make them be known.
2. Wednesday, January 16th, we had a meeting here with Ernie Foster, the President of the Sportsmen's Club, his attorney Joseph Cover, Town Council Stephen Madaus, Patrick Healy, Steve Mero and me. We met to discuss the replacing of School Street and Cross Street and how this would affect the entrance of 719 Cross Street. The club expressed concern at the perceived loss of frontage along School Street, however, it was explained to them that while the pavement is going to be relocated within the way, there would not be a loss of frontage for their location. The town is planning on maintaining a portion of the old road that leads up to their driveway so that the Municipal Light Department will still have access to the utility poles located in the area. Mr. Foster and Mr. Cover needed to go and speak with their board at their club with the information they learned.
3. Bob and I met with Matt from the cable station to discuss ideas on improving the sound quality in the BOS chambers. We are going to investigate installing some sound panels in the room to help absorb the sound, so it does not echo in the room. I have been looking at some historical photos from the Boylston Historical Society's FB page to see if some of those photos would look good on the sound panels. When we have a good selection, I will bring them to the board for your input.

4. Alison and I went to the MMA Convention on Friday, January 18th through Saturday, January 19th. We attended many workshops and seminars on topics such as municipal law updates, labor law updates and practical steps to reduce Municipal Cyber Risk.
5. I have the OPEB Trust Investment Policy Statement available for your review and signature. If you wouldn't mind taking a moment to review and approve, I would appreciate it.

Jamie Underwood made a motion to accept the OPEB Trust Investment Policy Statement as written, Mike May seconded; Voted all in favor.

6. I am also including in your packet a Municipal Light Update from Mirick O'Connell of Federal District Court Rulings Raises Questions about Secret Audio Recordings of Public Officials. This is an important update that should be read at your earliest convenience.
7. The IRS has increased the mileage reimbursement rate to \$0.58 cents for 2019. If the board would like to vote to approve the town to adopt that same rate, please do so now.

Jamie Underwood made a motion to increase the mileage rate to \$0.58 cents for 2019 consistent with the IRS regulation, Mike May seconded; Voted all in favor.

April reminded all board and commission members of the Municipal Rules and Regulations Meeting regarding Social Media that is being held Tuesday, January 29th at 6:30PM at the Town Hall. This meeting is to help our committee and board members become aware of some of the different revolving policies and practices regarding social media.

Deliver Budgets to BOS and FinCom:

David Butler mentioned that FinCom is starting off their hearings tonight and will be back in town weeks to meet with the Board of Selectmen. With changes in the School Department and regionalizing, it may be a little tricky and might have to work into March. Mike May stated that with the sale of the FedEx property and the contents of the building not included in last year's numbers, he wants everyone to be cognizant of that; Residents are expecting to see a downward trend in taxes due to the revenue from FedEx. Mike asked Dave if there was anything else they needed from them and Dave responded, more new growth.

Discussion on Boarding Houses/Rentals – Bill Filsinger

Mike May asked if there was a Board of Health factor to this discussion with Bill Filsinger. April stated that he is concerned of a boarding house that is coming in front of his board for an exemption and was looking to find more out about the laws regarding boarding houses. Mike May asked if anyone has come to Town Counsel for help and Stephen stated that he has spoken to April regarding it but has not heard anything from ZBA. Stephen stated that boarding houses are individual tenancies within a unit. Jamie Underwood asked if there is a regulation regarding how many family members. Stephen stated yes, depends on how they are paying.

Discussions ensued with the BOS, April and Stephen Madaus regarding budgets as we waited for Bill Filsinger to arrive. Bill arrived, asked if Tony Zahariadis was coming and Alison took a second to go retrieve him from his office. Bill stated that the ZBA had an issue with a house on Central Street for a well being check and it came to Tony's attention that it was some sort of a boarding house. Tony met with the owner who did not deny any of it and he told Tony he did not realize it was against the rules. Tony let him know it was a zoning violation, wrote him a letter letting him know he needed to get people out, the owner responded asking for more time, and Tony gave him a month already, so he told him no you can not have any more time. The owner appealed his decision to the ZBA and Bill Filsinger came to the BOS to make sure what the rules and regulations were before the hearing. Stephen Madaus stated that we need to be careful because we can not talk about any application or property before the ZBA; they are entitled to a hearing. We can talk generally about boarding houses and their uses however we can not talk specifically about that property.

Bill Filsinger stated that he is unsure of the towns bylaws and wants to make sure he is clear when the hearing occurs. Stephen stated that we have a table of permitted uses by zoning and we also have a common provision in many zoning bylaws in towns that any use not specifically annumerated in a district, a hearing shall be prohibited; so, if it's not listed it will not be allowed. Bill Filsinger asked if you can rent your house. Stephen stated that a family is any number of persons related by blood or marriage living in the same dwelling unit, when not more than 5 persons unrelated by blood or marriage are living together as a single house unit, not including a group occupying a boarding house, club, fraternity or hotel. Tony stated that even with that they are not a single unit. Stephen stated that the question was can you rent your house, yes, you can, can you rent it to several people to live there as boarders, no; that's not renting your house that's a boarding house. The test for the boarding house normally is how do you pay to stay there. Bill Filsinger stated that he thinks we should tighten up this matter a little bit and the town should take the position actively. Stephen Madaus stated that he is comfortable with if it is not listed it is not prohibited and the question becomes how people reside in a residence if they are paying some fee individually. Bill asked if that is the part that should be tightened up. Mike May stated that he believes Bill is asking does the town need to address some further clarity of information around the regulations on this subject in the form of some revisions to the bylaw. Jamie stated that could open a can of worms because now we are going back to if its not listed its not permittable use which gives us a broad cover and if we go back and amend that it opens the door to other things. Discussion ensued regarding Airbnb laws and rental of homes.

Mike May stated that this is a public safety concern and we need to address some of these issues. Tony stated that when he spoke with the owner, he admitted what it is. The gentleman whose door was broken, was working on the door locks and it's a dead giveaway what they are doing there. Stephen stated that he can investigate the laws on Airbnb and those types of platforms. Bill asked if the BOS will push on the planning board to investigate this and Mike May responded that if he brings these concerns to the table, they will have a legitimate conversation regarding it.

At 6:55 PM Jamie Underwood motioned to adjourn, Mike May seconded; Voted all in favor.

The meeting was adjourned at 6:55 PM.

Respectfully submitted,

Alison Mack, Assistant to the Board of Selectmen

Meeting Materials

Agenda

On File in The Board Of Selectmen's Office

Meeting Sing- In Sheet

On File in The Board Of Selectmen's Office

Town Administrator's Report

On File in The Board Of Selectmen's Office