



Town of Boylston 221 Main Street, Boylston, MA 01505

Board of Selectmen Minutes 07/14/2014

Date of Meeting: Monday, July 14, 2014

Location: Town Hall, 221 Main Street

Time: 6:00 PM – 8:55 PM

Members Present: Chairman James Wood; Michael May; James Underwood; Martin McNamara, Town Administrator; Steve Madaus, Town Counsel; Lori Esposito, Administrative Assistant; others as listed on the attached sheet.

The meeting was called to order at 6:00 PM.

At 6:00 PM, on a motion by Michael May, and seconded by Jamie Underwood, the following roll call vote was recorded to go into Executive Session under MGL c.30A, §21, ¶2, to conduct a strategy session in preparation for negotiations with non-union personnel and/or conduct contract negotiations with respect to non-union personnel (Town Administrator, Martin McNamara, employment contract): James Wood: Yes; Michael May: Yes; James Underwood: Yes. The Board agreed they would reconvene to go into open session.

At 7:09 PM Selectman Michael May motioned to adjourn Executive Session and reconvene in Open Session. James Underwood seconded. Roll call vote recorded as follows: James Wood: Yes; Michael May: Yes; James Underwood: Yes.

Open Session reconvened at 7:10 PM.

Monthly Report of the Police Chief to the Board of Selectmen:

- July 4 No issues, quiet holiday
- July 6 Chief worked the day shift to save overtime
- July 12 Alzheimer's bike ride through Town
- July 21 New recruits will begin at the MCJTC upstairs at Town Hall
- A union fundraiser for the Police Department is in process; there has been a tremendous response from the community.
- There have been two incidents; theft of a wallet and a car stolen.

Mr. Underwood said the fence at the Morningdale baseball field was vandalized; he asked for increased patrols. The Chief said the patrols have already been increased.

Mr. May said the next time the Chief reports to the Board he would like him to recommend to the Board a possible improvement to the "H" intersection at Route 140 and School Street. Close versus maintain, modify, etc. He is concerned about safety.

Monthly Report of the Building Inspector to the Board of Selectmen:

- Tony presented the permit numbers for June. Permit fees received were \$9,586, along with plumbing and electrical permits of \$1,880.
- Mike May asked the status of Compass Pointe; whether there are any current construction issues. Tony said there currently are no issues; the developer hasn't come in recently. The Town Administrator said the first two back tax payments were made timely; also an abatement was retained by the Town, and the Panning Board 53G account has been funded by the developer.
- Mike May suggested as a reminder to ask the Planning Board to bring bonding issues to the Board of

- Selectmen prior to Phase II approval.
- Steve Madaus said the subdivision control law is State law. 81U (c.41) requires the Planning Board to obtain security for the roadway (deposited into a 53G account) to retain an engineer (Graves), who then reports on the amount the security should be. Mike May said he is not suggesting we take their authority away, but ensure that the Planning Board does its job.
- Steve Madaus said he just doesn't want the impression left that the Planning Board is not following the subdivision control law set forth by the State. The Planning Board has been very diligent on this project and is following the statute. The Town Administrator said Graves Engineering came to the Planning Board with a list of issues that they addressed accordingly.

One-day Liquor License

Linda Russell of 756 Main Street, on behalf of the Herb Society of America, has requested a one-day liquor license for July 31, 2014 at the Town House.

Jamie Underwood made a motion to approve the request; Mike May seconded the motion; voted all in favor.

The license was signed.

Report of the Town Administrator to the Board of Selectmen:

DPW Building Design: On Tuesday, July 1, Mr. McNamara, along with Steve Mero and Frank Reale, met with Michael Hicks of Weston & Sampson. The scope of work needed from them was discussed. The proposal from Weston & Sampson totaled \$27,500. The TA would still like to negotiate that fee with them without losing too much time to get the design completed in time for the Special Town Meeting in the fall.

Tennessee Gas Pipeline: Town Counsel has redrafted the permission form for Tennessee Gas for survey work and it has been sent to Tennessee Gas for review. Tennessee Gas agrees with the form and they will provide us with the necessary insurance documents. They have requested the term in Exhibit A, paragraph 3, be set at 12/31/2015. They have indicated they might need to do an environmental study and the additional time might be necessary. The Board had requested a Tennessee Gas representative appear before them; unfortunately, none were available for the current meeting. We are requesting they come in for the August meeting, if possible. The TA suggests the Board hold off on approval of the survey work until someone from Tennessee Gas appears before the Board. In a related matter, there is a meeting scheduled for 2:00 PM on Monday, July 28 at the Berlin Town offices to discuss a regional approach to addressing the matter of the pipeline plan. Bolton Town Administrator, Don Lowe, Berlin Selectman Walter Bickford and I will attend. Further discussion regarding Tennessee Gas. Mr. McNamara suggested the Board table this until the Tennessee Gas representative can come to a meeting to explain and answer questions. Mike May said to ask them to bring a sample easement agreement so the Board can understand what they're asking the Town. Word is going around that, even if you don't offer an easement, they will come through regardless as a utility.

Chapter 90 Paving: Bids are due on July 23 at 12:30 PM for paving Bay Path Drive. The Board is scheduled to meet on Friday, July 25, to award the paving bid.

FY 13 Audit: The financial audit for the year ended June 30, 2013 has been completed. A draft report was copied to each packet. The management letter will be received in the next two weeks.

Delinquent Tax Collection: With regard to delinquent tax revenues, the Board is aware we agreed to a payment plan with the Compass Pointe developer for past due taxes. The first two payments of \$10K each have been received. With closings on three homes later this month additional payment of approximately \$30K is expected; they have agreed to a number of payments over the next several months. An agreement was made with the developer of Longley Hill to bring taxes current very shortly. Significant progress has been made in the past few months in collecting delinquent taxes; efforts will continue. There have been issues with several parcels with both developers concerning ownership and/or appraised values. These issues should be resolved very soon.

140 Sewer Engineering Study: Town Counsel has advised that the Route 140 Sewer System Engineering Study, approved at Town Meeting, is exempt from the bidding law. Mr. McNamara requests the Board's input regarding the manner in which the Board wishes to proceed. Soliciting prices from engineering firms and then

awarding based on price is probably the easiest and quickest method. The TA does not want to proceed with an RFP without the Board's input. Mike May said an informal RFP would be good for the entire specs so each company is responding to the same request. He will have the Marketing Committee come up with the scope of services.

Conservation Commission Presentation "A Vision for Wrack Meadow Woods": Joe McGrath of the Commission appeared before the Board, along with Ray Duffy (former Conservation Commission and Planning Board member), along with Ashley Davies and Christie Collins of SVT.

- Many parcels are landlocked and undeveloped and are non-revenue generating.
- The existing trail system can be formalized with kiosks, and used for hiking, biking, etc. This would not preclude other uses on the site, such as a solar array.
- Town lots can be sold at appraised value at little or no cost or loss of access/use.
- This can increase property values for adjacent landowners.
- They request the Board consider a partnership between the Town and SVT. This opens the door to new funding opportunities.

Land Management Proposal: SVT has presented three possible scenarios:

Scenario A: SVT would purchase conservation-appropriate parcels from the Town and private landowners and would manage access, trails and kiosks on land in a mutually agreeable manner. Boylston's ConCom would hold conservation restrictions over said parcels and would monitor the conserved properties annually. The Town retains ownership of development-appropriate parcels.

Scenario B: The Town retains the fee ownership of conservation and development-appropriate parcels. SVT purchases conservation restrictions over conservation-appropriate Town-owned parcels (conservation restrictions value less than full value. As in Scenario A, SVT would manage and monitor.

Scenario C: The Town retains ownership of conservation and development-appropriate parcels and converts conservation-appropriate parcels to ConCom control via Article 97. The Town may contract with SVT to manage access trails, etc., with no monitoring required.

SVT presented a map of the northeast corner of Boylston where the proposed Town-owned parcels are situated. All are landlocked or wet and not suitable for commercial development. There are 131 acres, total, with an estimated land value of \$326,575. This is an estimate and would require an appraisal. There is just under \$1.5M in funding for the entire project allocated by the State. If the Town wants to benefit, a formal "letter of intent" from the Board of Selectmen is required. A working group would then be formed for a preservation plan to be presented to the Board of Selectmen for endorsement. They are looking to achieve a balance of Town interests; the plan would be presented at Town Meeting.

Mr. Underwood asked if the four parcels of land not landlocked were not included in the proposed parcels. Joe McGrath said yes. Mr. May asked about Tri-Town project parcels – owned by whom and what is the broader plan; what the vision with those parcels is. Ashley said they are currently privately owned and they are working with two landowners now. For example, the Golas farm would go into conservation and would allow agriculture; farming can be maintained. Also the Bressette property is a similar situation.

Raymond Duffy (in audience) reminded the Board that this land is not zoned for commercial development. Regarding housing, the average single family home costs the Town money. Tax revenue doesn't cover the cost of schooling children. Also, municipal services would need to be increased.

Mike May asked if there is an incentive for homeowners to put property into Chapter 61 status, therefore reducing tax revenue to the Town. Ashley said Chapter 61 is voluntary. They look to those landowners who might be interested in conservation. The Tri-Town program does not have incentives for landowners. Mike May said he is very supportive of recreational land for the community but concerned about economic penalties. Joe said there is no active component to push people to Chapter 6A but there was monetary assistance available for administration of changing the status. Mike May said he would like to see the economics of the effect on each of those parcels if they were under conservation restrictions.

Jim Wood said the estimated value of the total land is \$326K; he would like to see the potential value for each property. Joe said they can't decide what the landowners will do; but they will just focus on Town-owned and tax-title land. They would be able to do that with the working group that is formed. The Town Administrator asked if the grant would cover confirming clear title on tax-title land? Mr. McGrath said

yes. Attorney Madaus said tax-title process was attempted years ago and was stopped due to the difficulty of confirming title/ownership.

Mike May said previous concerns of the Board and residents was lack of control in so much land. If fully transferred to SVT, there is less control. The Conservation Commission might need to manage parcels. Joe McGrath said conservation restrictions, once in place, are very difficult to revoke. There needs to be a long-term commitment. Any change in status requires an act of the legislature.

Jamie Underwood made a motion, seconded by Mike May, to allow the Conservation Commission to continue discussions with SVT for Wrack Meadow Woods. Voted all in favor.

Report of the Town Administrator, Cont'd:

- Bids are due on July 23 at 12:30 PM for paving Bay Path Drive. The Board is scheduled to meet on Friday, July 25, to award the paving bid.
- The financial audit for the year ended June 30, 2013 has been completed. A draft report is in your packet. The management letter will be received in the next two weeks.
- With regard to delinquent tax revenues, the Board is aware we agreed to a payment plan with the Compass Pointe developer for past due taxes. The first two payment of \$10K each have been received. With closings on three homes later this month we expect additional payment of approximately \$30K and have agreed to a number of payments over the next several months. We have also made an agreement with the developer of Langley Hill to bring taxes current very shortly. Significant progress has been made in the past few months in collecting delinquent taxes and we will continue to be diligent in these efforts. There have been issues with several parcels with both developers concerning ownership and/or appraised values. These issues should be resolved very soon.
- Town Counsel has advised that the Route 140 Sewer System Engineering Study, approved at Town Meeting, is exempt from the bidding law. The TA requests the Board's input regarding the manner in which the Board wishes to proceed. Soliciting prices from engineering firms and then awarding based on price is probably the easiest and quickest method. The TA does not want to proceed with an RFP without the Board's input. Mike May said an informal RFP would be good for the entire specs so each company is responding to the same request. He will have the Marketing Committee come up with the scope of services.

Fire Truck Lease: Steve Madaus said Article 28 of the Annual Town Meeting authorizes lease financing; the financial corporation requires the opinion of counsel. He first needs the Board of Selectmen to vote to add to his opinion.

Jamie Underwood made a motion to consider, one, adopting a proposed resolution, entitled "Lessee Resolution," relative to a proposed Master Lease Purchase Agreement, to be dated July 15, 2014, to be entered between the Town, as Lessee, and Tax-Exempt Financing Corp., as Lessor, and, two, to authorize the chairman of the BOS to execute, on behalf of the Town, all documents necessary to provide for the lease financing of a new combination aerial/pumper truck for the Town's Fire Department, as authorized by vote at the Annual Town Meeting on May 5, 2014. Mike May seconded the motion; voted all in favor.

Road Opening Permit:

Mike May made a motion that the Board of Selectmen authorize the Highway Superintendent to execute Road Opening Permit applications on their behalf except when the bond amount is in excess of X dollars, to be determined at a later date. Also to accept the Road Opening Application and Guidelines. Jamie Underwood seconded the motion; voted all in favor.

Selectmen's Meeting Minutes:

Mike May made a motion to accept the minutes of June 9, 23 and 27 as written. Jamie Underwood seconded

the motion; voted all in favor.

Town Administrator's Contract: Jim Wood stated that earlier in the evening the Board discussed strategy and negotiation:

- The contract would run from July 4, 2014 through June 30, 2017
- The TA would receive an annual increase of 2.5% each year for three years.
- Paragraph 12A will be modified to add sick leave of up to 15 paid days; this does not include involuntary termination.
- Paragraph 12D will include grandchild
- Paragraph 16A change three months to four months' aggregate salary
- Paragraph 17C add sick leave at end of sentence
- Paragraph 19C delete sentence

Mike May said the previous contract was a 2% increase with an annual merit review; this has been changed to a fixed 2.5% annual increase.

Jamie Underwood made a motion to accept the contract as modified and to authorize Chairman Wood to sign the completed contract. Mike May seconded the motion; voted all in favor.

Future Agenda Items:

- Jamie Underwood asked if WPI interims were coming in. Mike May will confirm.
- On the next Agenda: Mike May regarding the Planning Board bonding/Board of Selectmen responsibilities (81U subdivision bylaw. Jamie said at a Planning Board meeting Compass Pointe never passed as two phases. Steve Madaus said it was approved in phases.

At 8:55 PM, motion was made by Jamie Underwood, seconded by Mike May, and voted all in favor, to adjourn.

The meeting was adjourned at 8:55 PM.

Respectfully Submitted,

Lori Esposito, Administrative Assistant