



**Town of Boylston 221 Main Street, Boylston, MA 01505**

## **Board of Selectmen Minutes 08/18/2014**

Date of Meeting: Monday, August 18, 2014

Location: Town Hall, 221 Main Street

Time: 6:30 PM – 9:25 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 6:30 PM.

**Parks & Recreation:** Karen Barber and Theresa Prunier present.

Regarding the Open Space and Recreation Committee, Theresa was on the previous committee that completed a five-year plan. Karen Barber said the plan should be updated, which would allow seeking grants from the State if an approved plan is in place. Jamie Underwood asked, "if there is no plan, does it exclude us from all grant options?" Theresa said it might. Joe McGrath said it doesn't exclude all grants but anything earmarked for planning of open space and recreation.

Mike May said he would like to review the plan (expired in 2010) to see how it dovetails with the Route 140 plan and the Hillside Plan, etc. He would like the committee rejuvenated, ideally with a representative from each board, such as the Board of Selectmen, the Planning Board, and Parks & Recreation, the Conservation Commission, the Town Administrator and an At-large member. Suggested members:

- Brittany Blaney and Karen Barber from Parks & Rec; Joe McGrath from the Conservation Commission; Martin McNamara, Town Administrator; James Wood, Board of Selectmen. The Planning Board and Business Marketing Committee members are yet to be determined.

They will return at a future meeting for appointment of the Committee and further discussion.

**Selectmen's Meetings:** The Selectmen have cancelled the September 2 meeting and added a September 15 meeting.

**Joint Appointment:** Mid-term vacancy to be appointed. Joe Decelie, present member of Parks & Recreation, along with Brittany Blaney and Sue Tolles, made a motion that Kathy Lohnes be appointed to Parks & Recreation. Mike May seconded the motion; the vote was unanimous by both Boards.

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

- The Chief presented the monthly statistics.
- There has been an increase in telephone call scams.
- Attended a Task Force Meeting July 31. There have been several breaks in the central Mass area. Boylston has had six break-ins since June. Most have been at night in occupied homes. Mike May asked if they were happening in a specific area of Town. The Chief said they were in all areas of Town.
- July 21: Officer Bazydlo returned to full duty with no restrictions.
- July 28 and 29: Officer Bazydlo attended ALICE training.
- September 6: There will be a road race going through Town sponsored by a resident.
- He gave a follow-up up to Mike May's request that he look at intersections in Town for safety.
- There have been four accidents at the Cyprian Keyes location (off Rte 140 to School Street) in the past

year. Since the May 19 reconfiguration, there have been no accidents. At this same time last year there were two for the year. If it would be any improvement we could take the bump out of School Street, which affects visibility (coming out of Cyprian looking to the right).

- "H" intersection. Several years ago it was closed for a period of time by the Town. The community was upset by the closing and it was reopened. There were two accidents at that location during the period August 8, 2013 and August 8, 2014. These are typically going onto Route 140 coming from the stop sign. With approximately 45 houses going into development off Cross Street, accidents can be fixed. Take the northbound breakdown lane and make a dedicated right turn lane. This improves vision for a driver pulling onto Route 140 as well.

Mike May said traffic on School Street taking a left cannot get all the way in and blocks the road. This is usually after church lets out. Chief Sahagian said there is no fix for that concern and it is such a small time frame it shouldn't be an issue. By pushing that traffic up to Colonial Drive, we would be taxing an already hazardous site. The Chief thinks safety is not an issue if people just need to wait during busy times at the intersection. He feels a right-turn lane would be sufficient.

Mike May suggested revisiting it in a year to reevaluate. Jamie Underwood feels that, for the short period of time after church, if people need to wait, they wait. Jim Wood agreed, saying if closing it pushes more people to Colonial Drive, it would be too dangerous.

#### **Eric Johnson:**

Mr. Johnson purchased a piece of property on Nicholas Avenue, which is a dirt road. There are six non-conforming lots and he was approved to build by the Planning Board on the lot he purchased. The Town owns approximately 18,000 square feet, some of which blocks his frontage/access for a driveway. Mr. Johnson would like to purchase a portion of the town-owned property to relieve this. The "paper road" has different lot lines and road lines than the actual construction of the way.

Steve Madaus said the Town would have to discontinue the way (due to easement) then the abutter can take it to the center line. It is necessary to determine what the Town acquired when it laid out Nicholas Ave. If this is tax title, it can only be sold by auction. If it was purchased, then it requires a Town Meeting. Per State law, property over \$25,000 in value must go out to bid (as determined by an appraisal).

Jamie Underwood asked, if the lots are already approved, can we still sell them? Mike May said we have land with owners unknown. Is it State mandated to go to Town Meeting for authority to sell? Steve Madaus said it is. He needs to research the deed for its purpose of use when acquired. He will return with information for the Board.

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

- Business is slow compared with last month.
- Tony said there is no fee for signs in the Sign Bylaw and we are currently charging the minimum fee of \$50. He would like to discuss it at a later date. In other towns, split fees are determined by the Board of Selectmen.

#### **Report of the Town Administrator to the Board of Selectmen:**

- The Town Administrator thanked Lori Esposito for covering for him during his vacation; she handled a number of issues which required follow-up in his absence.
- The TA requested the Board approve the MIIA Health Plan contract and authorize the Chair to sign it.

*Michael May made a motion to authorize James Wood, Chairman, to sign the MIIA contract. Jamie Underwood seconded the motion; voted all in favor. The Chair executed the contract.*

- An Intermunicipal Agreement between the town of Spencer and Boylston for matching grant funds for

Stormwater Management has been presented to the Board. This is part of the 30-town coalition that received an \$80K CIC grant. Our match of \$2,800 last year was paid out of Conservation Commission funds. This year our match is \$4,000. The Conservation Commission has the funds available and will cover the \$4,000. The TA requested the Board approve the agreement and authorize the Chair to sign the agreement.

*Jamie Underwood made a motion that Boylston enter into an agreement with the Town of Spencer at a cost of \$4,000. Mike May seconded the motion; voted all in favor. The Agreement was executed by the Chair.*

- The Boylston Water District has requested the Board waive the building permit fee for their new storage building.

*Jamie Underwood made a motion to waive the permit fee for the new storage building for the Water Department. Mike May seconded the motion; voted all in favor.*

- On July 28 the TA attended a meeting in Berlin regarding the proposed gas pipeline. There were numerous politicians in attendance, including Harold Naughton. This evening the Board will hear a presentation detailing the pipeline project by representatives of Kinder-Morgan. The Board has been asked to authorize surveys of Town-owned property. The TA requested the Board take the request under advisement until all questions have been answered and any State-wide studies have been completed.
- The contract drafted by Town Counsel for design services for the Highway Department building is complete and has been signed by Weston & Sampson. The Board previously approved entering into the contract and the TA requests the Board authorize the Chair to sign the contract for the Town.

*Michael May made a motion to authorize James Wood, Chairman, to sign the schematic design-phase services contract for the new DPW building. Jamie Underwood seconded the motion; voted all in favor. The Chair executed the contract.*

- With regard to the effort to collect delinquent taxes, we received a check in excess of \$40,000 from Commerce Bank for taxes on the property at 200 Shrewsbury Street. That sum is in payment of taxes owed through Fiscal 2013. The Bank indicated the remaining taxes on that property will be paid within the next month or so. With regard to Compass Pointe, we expect another significant payment from the developer soon, possibly this week. There has been communication regarding payment of all Fiscal 2015 taxes due, as well as back taxes on Lot 7-65. A closing took place last week and we expect a payment from that. In all, we expect around \$18K to \$20K. This puts us close to \$300K in delinquent taxes collected since we started this effort. The Treasurer is considering doing some tax-takings in the fall and we might do some auctions later in the year.
- Kudos to Bob Bourassa for the significant improvements he has made to Town Hall and the Police building since becoming our new Facilities Technician. Bob has done some insulation work and replaced windows in the food bank area. This will be a great help with heating and air-conditioning. Bob has also shored up the flooring under the Police building and replaced a number of clapboards. He has worked on the heating system and had asbestos removed in the lower level of Town Hall. He, along with employees in the Highway Dept., have done an excellent job of sprucing up the grounds at Hillside.

A recess was called at 7:38 PM. The meeting reconvened at 7:50 PM.

**Kinder Morgan Presentation re Pipeline:**

Appearing before the Board representing Kinder Morgan was Allan Fore, Director, Public Affairs. He said at

Kinder Morgan we “Don’t drill, don’t sell, just transport natural gas.” He passed out copies of his presentation to members of the audience. He said this is a \$4B project and there is a market for it. No formal permitting process has been started as yet. FERC (Federal Energy Reserve Commission) will vote to determine the need for the project before it can move forward. Mr. Fore indicated their project schedule is estimated to be as follows:

Outreach meetings, route selection, permit preparations and agency consultations are ongoing. Their FERC pre-filing should take place in October of this year and they will hold Kinder Morgan open houses in November and December. In January and February of 2015 there will be FERC Scoping Meetings. They will then file with the FERC in September 2015 with anticipated FERC approval coming in November 2016. January 2017 would be the proposed start of construction with proposed In-service in November 2018.

- Jim Wood asked what the Town is going to get out of this when the land is ruined following installation of the pipeline. Mr. Fore said there would be additional tax revenue over the long term of 145 miles with \$25M payable in taxes (6.4 miles in Boylston). Landowners are compensated for access.
- Larry of Kinder Morgan said the first step is a survey of property; how it is currently being used, as well as future use, to determine the possible need for adjustment, alternative construction, etc., to minimize impact. They then purchase easements through negotiations with landowners.
- Jamie asked how much of the 6.4 miles is Town-owned land. It is estimated to be four parcels, less than a half mile. Larry said regarding use, prices for consumer end-use would be significantly less once the pipeline infrastructure is added. This adds capacity to the region which can then compete with neighboring states.
- Patricia May (in the audience) said she is concerned about what the gas line will be with a 30 to 50 foot right of way. What is the impact to large parcels as potentially not able to be developed? This diminishes the value which is then a loss to the Town. Would the tax on the pipeline make up the difference? Larry said when they work with landowners they minimize the impact for future use plans. Potentially, if the land is impacted, it would change the compensation. Patricia asked if it is mostly open lots or residential? Larry said they try to avoid at the initial consultation with the owner, then when surveyed they would adjust the rate to avoid impact. The total impact of work space, a 12" line equals 70 feet disturbed. FERC's priority is to try to avoid residences, if possible. Patricia asked if the gas line on property would affect the value or the homeowner's insurance, causing an increase. Mr. Fore said it would not; liability is held by the company.
- Mike May asked the depth of the lines. Mr. Fore said a three foot minimum is standard and possibly four to five feet in certain areas. Mike asked about the likelihood of blasting. Mr. Fore said they would have to do some blasting; however, they use a very controlled technique causing very minor upset. Mike May said since the Town has septic systems and wells, what is the risk factor to homeowners. What protection do they offer for construction-related risks? Larry said this would be surface blasting and would be highly unlikely to upset at the depth of wells. Also, there are pre and post-well inspections done for all landowners. Mike asked the implication of accidental damage or a leak to such a large, high-pressure line? Larry said this line is to be 750 psi with valving on each end with valves every four miles. Should there be an event, valves automatically shut off. Homeowners are protected with the exception of third-party damage. They would then be responsible.
- Tricia May asked about existing gas lines in Town. Larry said they are in Morningdale, Timberbrook and Route 140. She asked how the Town would get the gas since the Town is not an established customer community. Larry said it is up to the local distribution companies (LDCs) and it will take some time. She asked about the life span of the line. Larry said the current pipeline is 60 years old, well maintained and their goal is to maintain it as long as there is a market need.
- He was asked about a compressor station. Larry said none are planned for the Worcester lateral line. Asked about the impact on the value of homes, he said studies show no long-term effects.
- Mike May asked if there are any banks that will not approve a mortgage due to the gas line easement. He said no.
- Bernie Johnson (in audience) asked who holds the easements. Larry said the Tennessee Gas Pipeline (a subsidiary of Kinder Morgan); they are non-transferable and are defined. They would maintain the right-of-way as they need access every few years.
- Nancy Case of Bolton (in audience) asked if any alternate routes were considered. How are they connecting to a 50 yr. old 10" – 12" line? He said they looked at alternate routes early on. They are still in discussions with Mass DOT to evaluate routing this along highways (e.g, Route 190). A better route might cost more, but Larry said cost is not their only consideration.
- Mike May asked, when the easement is purchased, is coverage in perpetuity or is there a use fee each year. Larry said it is a one-time payment. There might be damage payments (either in advance or yearly).
- Mike asked, if the homeowner says no, what do they do? Allan said they don't have eminent domain

authority. The Federal government does, however, through the Natural Gas Act. That is only an option at the end of the process.

- Marty McNamara asked if the abandoned Shell pipeline easement would transfer over. Larry said it does not; they would need to secure a clean easement.
- Bonnie Johnson asked why the Shell pipeline was allowed to be abandoned; how was that allowed by the Federal government? Larry said if it is not an interstate infrastructure, there is no Federal oversight. But, he is not sure of the details on that particular pipeline, which was a gasoline pipeline, not natural gas.
- Jim Wood said he is not a big fan of this pipeline. The representatives of Kinder Morgan did a great job presenting and had "all the right answers" but he doesn't buy it. House values will not stay the same and insurance will increase, he is certain of it. He is through hearing about the "common good" at the cost of the Town. We've already given a lot to DCR for control of Boston water. We are getting torn up for everyone else to enjoy the benefits.

**81U Subdivision Rules and Regulations:** Attorney Stephen Madaus reviewed the Subdivision control law (81U) at the request of Mr. May.

- It is a general law to govern; it offers the Planning Board the opportunity to adopt rules and regulations consistent with subdivision control law.
- State law already dictates that the Planning Board determine bond amounts by securing engineering estimates.
- Currently, the Planning Board rules and regulations do not follow subdivision control law. Attorney Madaus has not yet talked to the Planning Board but would advise they amend the rules and regulations that the Board of Selectmen approves the bond amount.
- Mike May said that in current rules and regulations for the Planning Board they come to the Board of Selectmen for written agreement. He is concerned with projects that have failed and have a shortfall in bond amounts. Then the community is exposed and the funds come from taxpayers to complete what's left undone.
- Stephen Madaus disagrees. Subdivision control law is to protect for that reason. Engineers allow for future costs now. The standard is value to complete the work.
- Stephen said he has seen Graves Engineering's recommendations and has drafted agreements based on that recommended sum. If a developer cannot post that sum, the Planning Board should not release lots.

*At 9:25 PM, motion was made by Jamie Underwood, seconded by Mike May, and voted all in favor, to adjourn.*

The meeting was adjourned at 9:25 PM.

Respectfully Submitted,

Lori Esposito, Administrative Assistant