



Board of Selectmen

Date of Meeting: Monday, September 21st, 2020
Time: 6:30 PM – 8:40PM
Members Present: Chair Jamie Underwood; Selectmen Matt Mecum and Seth Ridinger;
April Steward, Town Administrator; Town Counsel Stephen Madaus, and
Alison Mack, Administrative Assistant to the Board

The meeting commenced at 6:30 PM.

Financial Warrants were signed in agreement.

Pledge of Allegiance was recited.

The meeting will be livestreamed from the *Zoom Application*.

<https://us02web.zoom.us/j/89393959696?pwd=VVpjeHg1MWRQaFNOSDdZQ2JSWTJIUT09>

Passcode: 230665

Confirming Member Access:

April Steward, Town Administrator recited the following:

Members, when I call your name, please respond in the affirmative.

- Seth Ridinger: Yes
- Jamie Underwood: Yes
- Matthew Mecum: Yes

Staff, when I call your name, please respond in the affirmative.

- Town Counsel, Stephen Madaus: Yes
- Alison Mack: Yes

Introduction:

April Steward started off the meeting by stating the following: Good evening everyone. This Open Meeting of the Board of Selectmen is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely. The Order, which you can find posted with agenda materials for this meeting allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

For this meeting, the Board of Selectmen is convening by video conference via Zoom App as posted on the Town's Website identifying how the public may join. Please note that this meeting is being recorded, and that some attendees are participating by video conference. Accordingly, please be aware that other folks may be able to see you, and that take care not to "screen share" your computer. Anything that you broadcast may be captured by the recording.

Meeting Materials

All supporting materials that have been provided members of this body are available on the Town's website unless otherwise noted. The public is encouraged to follow along using the posted agenda unless The Chair notes otherwise.

Meeting Business Ground Rules (Jamie Underwood)

We are now turning to the first item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- I will introduce each speaker on the agenda. After they conclude their remarks, the Chair will go down the line of Members, inviting each by name to provide any comment, questions, or motions. Please hold until your name is called. Further,
 - Please remember to mute your phone or computer when you are not speaking.
 - Please remember to speak clearly and in a way that helps generate accurate minutes
- For any response, please wait until the Chair yields the floor to you and state your name before speaking.
- If members wish to engage in colloquy with other members, please do so through the Chair, taking care to identify yourself.

For Items with Public Comment:

After members have spoken, the Chair will afford public comment as follows:

- The Chair will first ask members of the public who wish to speak to identify their names and addresses only.
- Once the Chair has a list of all public commentators, I will call on each by name and afford 3 minutes for any comments.
- Finally, each vote taken in this meeting will be conducted by roll call vote.

Town Administrators Report to the BOS:

1. ***Town Planner Update:*** Jeff and I will be on a conference call on Tuesday with Upton's HR to discuss next steps. We had 14 resumes come in for the position; have about 4-5 solid candidates.
2. ***Town Hall Opening:*** I had a walk-thru with the Health Agent and the Chair of the Board of Health last week. There were a few changes that were recommended and were implemented before our soft opening earlier today. Our schedule for Town Hall is included below as a reminder:

- *Week of September 21st – Open to public Monday – Thursday 12:00 PM – 2:00 PM*
- *Week of September 28th – Open to public Monday – Thursday 10:00 AM – 2:00 PM; Monday 6:00 PM – 8:00 PM*
- *Week of October 5th – Open to public Monday – Thursday 8:00 AM – 2:00 PM; Monday 6:00 PM – 8:00 PM*

3. ***Special Town Meeting:*** I would like to suggest the following schedule for Special Town Meeting to be held in December:

- *10/05/20 Declare the open warrant*
- *10/19/20 Warrant closing date*
- *11/02/2020 Review and finalize warrant with FinCom and Town Counsel*
- *11/05/2020 Warrant to Print*
- *11/19/2020 Post warrant and mail to voters*
- *12/07/2020 Special Town Meeting @ 7:00 PM*

I have reached out to the Health Agent for guidance on safety measures for the meeting.

4. ***Alcohol License Fees:*** I would like to know if the board would consider prorating the 2021 license fees for those on-premises license holders that were closed for several months due to the State's restrictions. The board could vote to reduce the license fees by 25% to help local businesses that have suffered under the economic shutdown they experienced this past year.

Jamie, Matt and Seth agreed that this is a good idea; anything to help the businesses in Town. This item will be added onto the 10/05/2020 Agenda for discussion.

5. ***Nichols College Update:*** My classes at Nichols are going well. Night classes are held over a 7-week period. I will finish up this semester on October 16th with the next set of classes to begin on October 20th.

6. ***Touchless Thermometers:*** After speaking with the Health Agent we both feel at this time it would not be in our best interest to procure touchless thermometers. With so many people being asymptomatic, it is not a reliable screening method. I do have handheld thermometers available in the office if the need arises to take someone's temperature.

7. ***Planning Board/CMRPC Credits:*** The Planning Board voted to allow the CMRPC credits that they earned to be used to pay for the Housing Production Plan as requested by the Board of Selectmen. I have included the letter sent by their Chair in your packet.

Department Head Reports: *Police Chief, Fire Chief, Building Inspector, and Highway Superintendent – Reports were posted online and given to the BOS in their packets. Fire Chief did not provide a report.*

Approval of meeting minutes: 09/08/2020:

Seth Ridinger moved to approve the meeting minutes of 09/08/2020, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes and Jamie: Yes

Margaret Degliaberti – Cool Science Honoree: Did not show for meeting

Welcome the New Fire Fighters; Niccole Chiasson and William Weir:

Jamie congratulated both firefighters on getting the positions and welcomed them to the Town of Boylston. He asked what their reason was for choosing Boylston. Niccole responded that a big part in coming to Boylston was to work underneath Chief Flanagan's leadership and guidance; he has been a huge part of her development personally and being an EMT and she could not be happier. Bill responded that he was a resident of Boylston and is happy to be back; Joe is a great guy to work for and he is very excited to be here. Both Matt and Seth welcomed them formally to the Town and Department. Chief Flanagan thanked the Board for formally welcoming them and mentioned they are both great assets to the team; Bill has a mechanical background and Niccole has a business background. They are working on some grants right now and working on the SAFE program.

Master Plan appointment of volunteer, David Cole and Nancy Filgate as back-up for the Historical Commission:

David Cole is happy to be involved in the Master Plan, he has been a resident since the late 80's, was the President at one point of the Historical Society and is on the Historical Commission now and looking forward to working on the Master Plan. Nancy Filgate mentioned that she has been a resident since the early 80's and is currently the curator for the Historical Society and presently the Treasurer for the Historical Commission.

Matt Mecum made a motion to appoint David Cole as a member of the Master Plan Committee as a representative of the Historical Commission, Seth Ridinger seconded. Voted all in favor, Matt: Yes, Seth: Yes and David: Yes.

Nancy Filgate asked if she was able to vote if David was not able to attend the meeting and Stephen Madaus stated that he will need to investigate it and will get back to the Board.

Master Plan; Clarify the Historical Commission and not the Historic District Commission:

Matt Mecum made a motion to amend the Master Plan document to list members instead of the Historical District Commission, to the Historical Commission. Seth seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Halloween Discussion:

Jamie mentioned that there is a lot of uncertainty with Halloween currently and are going to push it off to the 10/05/2020 meeting until they receive more clarification from the CDC and State. Seth agreed that we have a little bit more research to do and wait for information from the BOH; believes it would be a good idea to decide early October. Matt agreed and stated that they should wait for more guidance from the state level.

Vote to Approve/Sign MS4 Contract:

April mentioned that the MS4 Contract is so that we can do our EPA and MA DEP reporting; we partner with Tighe and Bond as a consultant. This contract will allow them to continue to work on that permit for us. This is an annual contract we need to renew.

Matt Mecum made a motion to approve the MS4 contract, Seth Ridinger seconded. Voted all in favor. Matt: Yes, Seth: Yes and Jamie: Yes.

100 Shrewsbury Street LIP discussion – Louis Levine:

Seth Ridinger recused himself from the meeting as his property abuts this land. April mentioned that Stephen and herself have been authorized by the board to enter into discussion with Mr. Levine and Mr. Vinacasa on this property. They have put forward an application in meet with the Advisory Board to go into further discussion about a 40B; 66 units. My Levine has come before the board to answer any questions that the board may have.

Mr. Levine thanked the Board. He mentioned that this discussion started in January/February but due to the pandemic, it has taken a bit longer. During this time, the Town's various staff had submitted preliminary comments/concerns in which they have reviewed; there seems to be no dealbreakers. He described the two ways to proceed with a 40B; friendly 40B or LIP application. They would like to move forward with a conversation to try and identify the things that are a concern to the town and see if the project could address, attribute to, or maybe fix those concerns. The Water District has a pump that's too small for what they would need to support and suggested sitting down with them and the Board if the board would like them to contribute to that opposed to contributing to other things; it really comes down to what are the towns concerns that we can discuss and in what way can they reasonable contribute to them. Assuming they come to an agreement, they would then enter into a post community agreement which says once the permit is issued, they agree to do these things, funds or work.

This project is 67 rental units: 61-bedroom units, 7 3-bedroom units. They would all apply and be counted toward the Subsidized Housing Inventory which would go to our 10% entirely. Mr. Levine is hoping that they can get together with the Advisory Committee to hear their concerns and they hopes to speak to a subset committee to try and negotiate a draft agreement and move towards the LIP application. If the board does not want to go down this path, then they could file a friendly 40B application with the board of appeals. Mr. Levine stated that he has done a lot of 40Bs over a long period of time and suggests going with the LIP application because then you are working directly with the town to get things done; he would like to work out the issues as soon as possible instead of the lengthy timeframe that a 40B may take.

Jamie Underwood asked what the timeline is for the project. Mr. Levine responded that if it was a LIP Application, it would take about 4-5 months for DHCD to do a site approval letter, once they get that, then can then only file with the board of appeals which could take more than 6 months. Overall, its going to be at least 6 months from when they file the application to get a comprehensive permit and would not have a comprehensive permit for at least a year. Depending on how things play out the timeframe could be anywhere from ten months or more at the minimum.

Matt Mecum asked if the concerns from the water district and other concerns were outline in the post community agreement and Mr. Levine confirmed yes. He then stated that development has not been the most popular subject in Boylston and would like to make sure the residents know that

they are going to act in what is the best from them in the short and long term. Matt wanted confirmation that we would get credit for all 67 apartments and Mr. Levine confirmed that you get 100% from rental projects and you get what is affordable from home ownership. Matt asked if any of this is contingent on having a final Housing Production Plan and Mr. Levine responded that it is not contingent, but if you have a HPP, then you may get up to a two year safe harbor even though you are not at the 10%.

Stephen Madaus stated that we have two trains on two tracks; this project potentially in the pike line and a Master Plan Committee with a housing component, that will be working on a HPP so it's a question of, can we align the timing to get a dual benefits out of our HPP from this project. He believes there is an opportunity there and that its worth looking into. Stephen stated he agreed with Mr. Levine that if 25% are income restricted to 80% of the median, then all of the 67 rental units qualify and will count regardless if we have the HPP. Matt asked when they cap the completion of the project and Stephen and Mr. Levine agreed it is when the comprehensive permit gets approved. Mr. Levine stated the calendar permit is good for a year and if you don't pull building permits, they get off until you do. He believes that the Town of Boylston has a huge amount of time to get the HPP approved to get the benefit of this to get a safe harbor. Mr. Levine stated that they would be willing to work with the town to make sure that their project coincides with our safe harbor plan to get the benefit of the units.

Matt asked April and Stephen if they were going to sit on the Advisory meeting and April stated that she intended on being there and she will send Stephen the information. April stated that both herself and Stephen have been authorized by the board to enter into conversations with Mr. Levine and Mr. Vinacasa and asked if that was going to continue through this process. Matt stated that he does not see a reason to change it and once we get the Planner on board, we can add the Planner to that group. Jamie agreed that we should keep things as they are. Mr. Levine asked if they could have a conversation with April and Stephen about the outline of the MOA in the interim. Jamie stated he does not believe it would be an issue. Mr. Levine stated it would allow April and Stephen to outline what the wants and deficits are. Matt asked hypothetically that if they can't agree and they decided to go straight 40B, does the town still get credit for all 67 apartments and Mr. Levine stated absolutely.

Stephen asked if we could clarify that when we use the term affordable housing its 25% of the units, income restricted to those making no more than 80% of the median income in the area. Mr. Levine stated yes, it cannot be over the 80%; you have to rent the units and to affordable folks. If someone comes in and the only affordable person you have is at 65%, the rent goes to them. Stephen asked if their income rises over the term of their tenancy, does it get verified annually and Mr. Levine confirmed yes. Mr. Levine stated all apartments are identical and if you make more than the 80%, then you have a choice; do you want to pay market rent, or do you want to move. If you pay market rent, another unit must be available. Jamie thanked Mr. Levin for his time and mentioned they look forward to how the discussions go with April and Stephen.

At 7:00 PM, Seth Ridinger made a motion to move to Executive Session per:

1. Per MGL c.30A, §21, (6): *to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have detrimental effect on the negotiating position of the public body. – 85 Sewell Street; and to review and approve minutes from an executive session of the Board held on 9/08/20 for the same purpose.*

2. M.G.L. c. 30A, sec. 21(a)(1): to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.

3. M.G.L. c. 30A, sec. 21(a)(2): to conduct strategy sessions in preparation for negotiations with non-union personnel or contract negotiations with non-union personnel (Chief of Police Anthony G. Sahagian); and to review and approve minutes from an executive session of the Board held on 9/08/20 for the same purpose.

and return to open session, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes and Jamie: Yes.

At 8:40PM Matt Mecum made a motion to adjourn Open Session, Jamie seconded. Voted in favor. Matt: Yes, and Jamie: Yes

Respectfully submitted,

Alison Mack, Assistant to the Board of Selectmen

Meeting Materials

Agenda	On File in The Board Of Selectmen's Office
Temp Licensing Change Doc	On File in The Board Of Selectmen's Office
Town Administrator's Report	On File in The Board Of Selectmen's Office
BOS Meeting Minutes 09/08/20	On File in The Board Of Selectmen's Office
Highway Superintendents Report	On File in The Board Of Selectmen's Office
Building Inspectors Report	On File in The Board Of Selectmen's Office
Chief of Police Report	On File in The Board Of Selectmen's Office
MOU from Mirick O'Connell	On File in The Board Of Selectmen's Office