



## Board of Selectmen

Date of Meeting: Monday, March 8<sup>th</sup>, 2021  
Time: 6:30 PM – 9:47 PM  
Members Present: Chair Jamie Underwood; Selectmen Matt Mecum and Seth Ridinger;  
April Steward, Town Administrator; 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*.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81570790304?pwd=UEhTZS9nQ29CL1lsaUFRTFErQ282QT09>

Passcode: 817629

Or iPhone one-tap :

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### *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.

- Alison Mack: Yes
- Stephen Madaus: No

### *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,
  1. Please remember to mute your phone or computer when you are not speaking.
  2. 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:

1. The Chair will first ask members of the public who wish to speak to identify their names and addresses only.
  2. 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. **Wachusett Earthday Agreement:** I received the long overdue Agreement from Wachusett Earthday that covers the period of June 2, 2019 – June 1, 2022. There are no changes other than to the first half of paragraph 5 on page 2 where, after the Town Representatives voted (on 10/25/2019) to increase the yearly allocation to Wachusett Earthday, we have indicated the new amount in the text. Boylston's current allocation is \$2,716.30.
2. **Official Method of Posting Notice:** In 940 CR 29.00 you can find the information provided from the Attorney General's Office on notice posting requirements for open meetings. The municipality may adopt the municipal website as the official method of posting by the Chief Executive Officers of the municipality, as defined in M.G.L. c. 4, §7, authorizing by a simple majority, may vote to adopt the municipal website as the official method of posting notice. A municipality may only have one official notice posting method; however, nothing precluded the municipality from choosing to post additional notices via other methods. Copies of the notices shall also be accessible to the public in the municipal clerk's office during the clerk's business hours. If the board so chooses to vote on this issue tonight, the municipal website can be adopted as the official location for posting notices.
3. **Warrant:** This is a reminder that the Annual Town Meeting warrant closes today, March 8th. Town meeting is scheduled by town by-law to be held on the 1st Monday in May, which falls on Monday, May 3rd. I haven't begun to dig into the requests that have come in yet, we received around thirty.
4. **CARF-MP Reporting:** Cares Act Funding Reporting Cycle 3 for 10/1/2020 – 12/31/2020 was submitted on Friday, March 5th. So far, the town has spent \$76,097.00. This quarter's reporting was spent mostly on The Board of Health Nursing services, election supplies, PPE, and the on-line permitting software.
5. **Sale of Tax Title Property/Town Owned Property:** We have several parcels of property that the board should consider putting before the town for permission to sell, and there are tax title properties that we can auction. This will enable those properties to go back on the tax roll.

### **Police Chiefs Report to the BOS:**

#### **FEB:**

- 9<sup>th</sup> – 10<sup>th</sup> – Completed supervisors training
- 10<sup>th</sup> – Central MA Chiefs Zoom Meeting
- 12<sup>th</sup> – Took 2<sup>nd</sup> COVID Shot
- 17<sup>th</sup> – Boylston Recruiter Academy Graduation
- 17<sup>th</sup> – Disinfected Police Station and Cruisers
- 19<sup>th</sup> – Met with a resident regarding license to carry inconsistency

19<sup>th</sup> – Car 4 went in for break repairs at Highway Department  
21<sup>st</sup> – Marble set up on Route 140 – Provided overnight security throughout duration of the filming  
22<sup>nd</sup> – BOS Zoom Meeting; Officer Ryle approved to be Detective Patrolmen

### **MARCH:**

2<sup>nd</sup> – Garbage barrel blew across 140 and shattered undercarriage of cruiser  
4<sup>th</sup> – Camera project was completed.  
10<sup>th</sup> – Central MA Chiefs Zoom Meeting  
17<sup>th</sup> – Tahanto Regional High/Middle School Crisis Action Team Meeting  
19<sup>th</sup> – Detective Patrolmen – Grand Jury in Worcester

### **Fire Chiefs Report to the BOS:**

Jan and Feb this year have been the busiest we have ever been: 147 calls within those two months.

- Backing up Worcester EMS
- Covered Worcester Station for when they had their 5-alarm fatal fire
  - With out of the 147 calls, we only gave away two calls
- COVID – All fire department personnel who were interested in obtaining their COVID vaccines have received them. Three weeks into our second dose.
  1. Starting in person training later this week
  2. West Boylston has a large structure, so we are joining in with them
- Grants: Received 2; MEMA
  1. Waiting to hear back on two of them
- Warrant Articles were submitted
  1. Transfer of funds from the ambulance receipts funds to supplement the budget
  2. FEMA grant match for the SEBA purchase; \$9.053

Matt suggested taking a step further and looking at the hourly rates. Seems like we are behind the times at this point. We should want to make sure that the EMTs are compensated fairly.

Lieutenant Bradford will be out due to an injury.

### **Highway Superintendents Report to the BOS:**

- Eight days of plowing and 15 days of treating the roads.
- Hopefully only one or two more storms to get them through the season
- Have been out doing some cutting of trees and brush on the roadsides
- Have the 30MPH signs for Sewell Street, working on getting the documentation to MASSDOT in Boston. Looking to get this completed by the first week of April.

Regarding the 140 Crosswalk: Had a brief discussion with a gentleman from MassDOT and needs to look at the plan that was submitted. One requirement of having a crosswalk is to have a sidewalk. He is unsure of the plans of the development itself, but there are no sidewalks on the northbound side. He is sure that MassDOT would require a pedestrian sign that illuminates and those are very expensive.

### **BOH: COVID / Vaccine Update:**

Dennis Costello mentioned: 266 cases of COVID-19

- 11 active
- 13 in past two-week reporting schedule

In the Green – Have not been in the Green since last December.

- March 1<sup>st</sup> – Went back to Stage 3 Step 2 – Opening of restaurants to capacity.
- March 11<sup>th</sup> – Teachers will be able to get vaccinated in the state sites.
- March 12<sup>th</sup> – Dennis will be reporting to the State our place for unionizing.
- March 22<sup>nd</sup> – Will go into Phase 4 of the plan, Step 1.
  - Open gatherings to 100 people inside and 150 people outside
  - Going to affect Town Meeting.

BOH has turned in an application for a regional site. Waiting for a response from the state.

Joseph Flanagan, Fire Chief mentioned that Westborough Fire has already been running a clinic in that facility and the Fire Chief is very organized and in touch with DPH. Joe mentioned that the Lions Club, volunteers and Council on Aging; Haven't seen anything done like this before, they are doing an unbelievable job and should be applauded.

Matt Mecum mentioned that the Lions Club information is as follows:

- Finished the calls to 65 and over age group last week
- COA/Volunteers/Lions Club all did an excellent job working to get people appointments.
  - o 150-175 appointments have been made and the town should be proud of all that they have done
- Schools are helping teachers make appointments.

We are currently working on plans for the next phase and what they can do.

### **Approval of meeting minutes: 02/22/2021:**

*Matt Mecum made a motion to approve the meeting minutes of 02/22/2021, Seth Ridinger seconded. Voted all in favor. Matt: Yes, Seth: Yes and Jamie: Yes.*

### **Discussion/Vote on 100 Shrewsbury Street LIP Application and Development Agreement: Adam J. Costa and Louis N. Levine:**

\*Selectmen Seth Ridinger recused himself at 6:48 PM from this discussion. He rejoined at 7:31 PM.

Attorney Costa updated the Board of Selectmen and residents on where he was at with the LIP Application and Development Agreement for 100 Shrewsbury Street. Attorney Costa walked through the Agreement by sharing his screen with residents and the Board; hoping to answer any questions that the board may have.

Attorney Costa said that he is generally comfortable with this agreement from a legal perspective and believes that it is in final form, depending on the Boards vote. He stated that early last week he received the Local Initiative Program Application from Attorney Levine; this application goes to the Department of Housing and Community Development to seek that preliminary approval before it comes back to the town and goes to the Zoning Board for a comprehensive permit. Attorney Costa shared his screen and reviewed the document with the Board. (See meeting materials for agreement)

Jamie asked when it comes to the lottery system, how many of those are deemed for Boylston Residents, is there generally a percentage of it or is it generally a set number. Attorney Costa mentioned that the local preference requirement only applies during the initial lease; it's a one-time only. In terms of percentage, the current standard is 70%. Matt mentioned that the project is looking like 60 units when it was originally 70, Attorney Costa agreed. He then stated that Route 140 is a state road, but the town maintains it, and asked if we had a right to stripe a crosswalk across it. Attorney Costa stated that there would be an approval process required by the state if it is owned by the commonwealth, a permit. Attorney Levine thanked April and Attorney Costa for working on this for the past couple of months. He then mentioned what needs to take place to move forward is making a couple minor corrections to the LIP application, the board needs to sign the application, and write a letter of support for the project; a DHCD requirement. Matt stated that the agreement mentions filing this agreement with the registry of deeds and asked who is responsible to do this. Attorney Costa mentioned that he would be able to facilitate that.

*Matt Mecum made a motion to endorse the local initiative project at 100 Shrewsbury Street, approve the Memorandum of Understanding, and the local initiative application and authorize the chair to sign. Also, approve and sign the letter of endorsement, Jamie Underwood seconded. Matt: Yes, Jamie: Yes.*

### **To Discuss and Approve: Plumbing, Gas and Electric Permit Fee Schedule and Inspectors Compensation:**

Jamie mentioned currently there is a stipend that gets paid to the inspectors and the issue is that currently there are a lot of work going on in town and a lot more inspections that have been anticipated. April added that there has been an uptick of work in the past several years and the monthly stipend didn't seem adequate; they tried to make a fix about a year ago and would like to tweak it a little more. Instead of making it a set amount, making it a percentage of the split between what inspectors would receive based off of each inspection versus just getting a monthly stipend; 60/40 split. Based off of what we did last year, the plumbing, gas and electrical inspectors would receive fairly close to what they received this year already, which is substantially more than what they would receive with their monthly stipend. April mentioned that this is more of a backend fix and not a front-end fix.

Building Inspector, Tony Z mentioned that fortunately Boylston is a place where people want to come and live, which has created a backlog and a lot of stress on the department. We need to make sure we are taking care of the inspectors when these kinds of larger projects come through. We cannot go to the finance committee every time we do something like this. We are changing the structure as to how the inspectors are getting paid.

John McQuade, Boylston Wiring Inspector mentioned that last year's inspections numbers are skewed due to the large apartment complex. He would like to review the numbers from 2018-2019. He feels at this time the 60/40 split with a fair level of fee structure is not going to meet his stipend. He stated that he would like to review the stipend and provided documents from 5 other towns. Jamie asked what he would be looking at for regarding a stipend plus a split. John McQuade mentioned that he would not be looking at a plus, he would be looking at addressing just the stipend and gear that stipend closer to the 5 surrounding towns. Since apartment complexes do not come all that often he would like to keep the stipend as is and have a review process of the 5 adjacent towns. Tony Z mentioned that if we are going to take surrounding towns, then we need to take surrounding towns that are equal in size and structure. These other towns do not line up with how Boylston is and would not like to keep going back and forth on this. Matt asked to hear from the Plumbing and gas inspector Eric Johnson.

Eric mentioned that he is totally frustrated with all of this. He thinks there are two great ways to go about it; the simplest way is to charge 100 per inspection, the town keeps 40%, Eric keeps 60%. If it is a real busy year he makes a good amount of money, and if it's a slow year they aren't spending a lot of money. The downside to this is it does not keep people interested in keeping the job. Seems to him that the fairest way is per inspection but does have a lot of questions regarding if he would be considered a contract worker and how that would affect him. This will give Nina a lot more work. Tony Z mentioned that with the issuing of permit issues, it will be resolved when the new permitting software gets installed. Eric will have complete control over knowing when permits get pulled and when an inspection needs to get done. Eric stated that he has an android phone and can't see the information. Tony mentioned there was a computer at the Town Hall and Eric has full access to it. Eric stated that he should not have to run up to town hall to get that information. Discussion continued about different expenses and how those will get paid out by the town.

Matt mentioned that this is the third or fourth time in changing these fees and the structure since he has been back on the Board and wants it to be the last. Tony agreed and stated that they can always adjust the slide of the scale, we do not always need to go back in front of the Selectmen. Jamie mentioned that we need to get the answers for Eric and John regarding insurance. Tony mentioned that every inspection will be \$100, and we are telling the applicant that there are two inspections included in that. Matt then asked if we should get John and Eric a laptop/hotspot. Tony stated that he is totally not opposed to that at all and that is up to the board; a tablet or service pro. Seth stated that it would be nice for the inspectors to look at the pros and cons of the fee structure or the stipend. Tony mentioned that they decided on the fee structure rather than the stipend. Matt stated that there are some questions that we need answered regarding education, but if we are pushing this to the next meeting, he would like a clear consensus from the inspectors. April stated that she can take a look at the gas, plumbing and electrical schedule and bumping everything up to be \$100 per inspection so that would work for the 60/40 split, they can also verify with the Treasurer/Collector that they would still be considered Town employees and not 1099, they will also look at taking out the stipend line and leaving the expense line in the budget, and look into getting software for the inspectors to help them be able to do their job more efficiently. John McQuade asked if someone could speak to the COLA and how that would factor into the 60/40 split as permit fees would not be subject to COLA increases. John McQuade asked if this could be reviewed annually. Jamie stated that yes, this could be reviewed and would like to see

how this goes for a year or so. Jamie mentioned that he would like to get this done by the end of this month. April mentioned that we do not have a lot of time to keep discussing this issue as this needs to be resolved prior to town meeting to get on the warrant.

### **Discuss Developers response to letter regarding Lilymere:**

Jim Haynes, Attorney Matt Watsky and Mike Kent joined the meeting. Jamie mentioned that this is a review of Lilymere and a proposed proposition regarding Affordable Housing Units; there is a misunderstanding regarding the requirement for payment/placement of 3 affordable units within the development. The town did not take a vote on it and the developer was under one impression and the town was under another. The town has a bylaw that allows the developer with a couple different options; to put a couple affordable units in the development or a payment in lieu of. The town sent a letter to the developer informing the developer that he was NOT in compliance with town zoning bylaws. In return, Attorney Watsky wrote back to the town with a couple different options on how to get everyone on the same page.

April stated that back in 2004, the Town went to Annual Town Meeting and adopted an inclusionary zoning bylaw. This inclusionary zoning bylaw was set forward because the town knew that we needed affordable housing in the community, and we needed to start have units to add to our subsidized housing inventory list. This was the actual first project that would be applicable to this zoning bylaw since the previous ones were grandfathered in. There are three options with this zoning bylaw; after eight units there is a ten percent of all units constructed could be considered affordable, or the developer can choose to pay a fee in lieu of building those units and the third option is that they can construct the units offsite somewhere else in the community. The way the zoning bylaw is written, this needs to be approved by the selectmen. There was a lot of communication being done, however there was never any written document or vote on what the developer decided to do.

Attorney Watsky stated what the developer understood there was an agreement with the Town and moved forward with three \$50,000.00 payments specifically applicable to the 30 units. There is one \$50,000 payment left because he has already paid two \$50,000.00 payments. The developer is proposing to pay that additional \$50,000. Attorney Watsky then described another potential residential development of the developer, to consist of 20 units on Gulf Street; of those 20 units, the developer proposes to build the 2 units as affordable units. Option two is keeping the two projects separate from one another. The developer would then proceed with a special permit application to the Planning Board and memorialize the \$50,000 agreement. Gulf Street would move forward under the existing plan, and the developer would expect that as part of the special permit issued for the age restricted 20-unit development proposed for Gulf Street, that the Planning Board would require, and the developer is proposing to move forward and build two affordable units. Seth stated that he expects that the Planning Board would enforce our zoning bylaw on the proposed Gulf Street development, so that according to our bylaw, that project would require those two units to be built anyway, separate to whatever happens to Lilymere. The Board continued to discuss the options that the developer presented and where the miscommunication happened.



Mike Kent stated that they agreed with the town to pay \$50,000; That is what they did, that's what they agreed to, and the units are 100% sold, and will not pay another dime to the Town. He believes the town should honor their agreement. Matt stated that he just received a copy of the letter this afternoon so he would like to speak to Town Counsel first. Jamie asked if the Gulf Street proposal has been pulled from the Planning Board. Mike Kent mentioned that he believes it has been put on hold. Jamie asked if they could hold off on this discussion for 2 weeks; they need to fully review everything and figure out all the options and speak to Stephen Madaus. April suggested that Attorney Watsky and Attorney Madaus meet to discuss this and put together an agreement. The Board also would like to speak with Stephen prior to the next meeting.

**Appoint 2 members to the Affordable Housing Trust: Eric Brose and Stephanie Miczek:**

*Seth Ridinger moved to approve Eric Brose and Stephanie Miczek to the Affordable Housing Trust, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes and Jamie Yes.*

**Review / Approve Official Posting Location of Meeting Agendas:**

*Matt Mecum made a motion to make the official posting location of Meeting Agendas on the town website, Seth Ridinger seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.*

**Review/ Approve Installation of Street Light at the Intersection of Abbey Road, South Sewell and Morgan Circle: Police Chief and Highway Superintendent:**

The Police Chief mentioned that he walked the ground and spoke with Steve Mero and Mark Barakian and they would like to propose taking the light at Morgan Circle and extend the light to provide additional lighting into the roadway. If it does not work, they would have to look at running wire to the vicinity of that intersection. The contractor at Lilymere stated that he may consider putting light posts at the end of the street.

**Review / Approve Keep Boylston Beautiful Spring Clean Up Location:**

*Seth Ridinger moved to authorize that we allow Keep Boylston Beautiful to use the town owned land on April 24<sup>th</sup> and April 25<sup>th</sup> for the Spring Clean Up, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.*

**Vote to Close the Warrant:**

*Seth Ridinger moved to close the warrant; Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.*

*At 9:47 PM, Seth Ridinger made a motion to adjourn open session and go into Executive session **EXECUTIVE SESSION** (closed to the public): **Per MGL c.30A, §21(a) (3):** to discuss strategy with respect to collective bargaining - Fire Union, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session. Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: 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

Town Administrator's Report

On File in The Board of Selectmen's Office

Meeting Minutes 02/22/2021

On File in The Board of Selectmen's Office

Fire Chief Report

On File in The Board of Selectmen's Office

Highway Superintendents Report

On File in The Board of Selectmen's Office

Police Chiefs Report

On File in The Board of Selectmen's Office