



## Town of Boylston Board of Selectmen

Date of Meeting: Monday, March 28, 2016  
Location: Town Hall, 221 Main Street  
Time: 6:00 PM – 9:46 PM  
Members Present: Chairman James Wood; Michael May; James Underwood; Stephen Madaus, Town Counsel; Marty McNamara, Town Administrator; Lori Esposito, Administrative Assistant to the Board

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

Financial Warrants were signed in approval.

### **On-Site Engineering Inc. (David Formato and Raymond Willis present):**

David presented the study results for the Route 140 corridor sewer study.

Wastewater collection and disposal along Route 140 has always been identified as a limiting factor of growth in the area. Existing parcels with frontage along 140 in Shrewsbury to Route 70 generate approximately 18,000 gallons per day. Development potential would be about 1240K to 170K per day. He referenced a proposed sewer district mapping from a 2010 corridor study. **OPTION 1:** Gravity sewer from the Shrewsbury town line to a low point at the 50 Shrewsbury Street parcel. **OPTION 2:** Low pressure sewer from Shrewsbury to the Route 70/140 intersection.

### **OPTION 1:** For effluent disposal system location options (approximately 200 x 400 feet):

1. ***Sewall Street Gravel Pit:***
    - a. Pros: appears to have sandy soil, high permeability
    - b. Cons: (i) location requires additional force ..... Sewall Street  
ii) located in Town's water supply Zone II, so higher treatment levels required.
  2. ***Town-owned parcel at 70/140 (wooded area, four acres):***
    - a. Pros: not in Zone II, sandy soils
    - b. Cons: road access from state highway would be required.
  3. ***Boylston Elementary School near athletic fields:***
    - a. Pros: sandy soil
    - b. Cons: in Zone II, additional force required.
- Probable cost: ***Low-pressure collection system:*** \$2.1M to \$2.6M. (For low pressure, each user would need their own service connection.) Low pressure system would require a supply pump station. ***Gravity collection system:*** \$2.9M to \$3.7M. Plus WWTF operation costs:
    - Gravel pit: \$4.3 - \$5.3M
    - Town-owned land (70/140): \$3.8 - \$4.7M
    - Elementary School: \$4.6 - \$5.7M
  - Jim Wood said we are nowhere near ready to spend this kind of money without businesses.

**OPTION 2: Centralized Collection System Option:** Shrewsbury and Westborough are at capacity and are not options. The only option is Blackstone via Route 70 to Shrewsbury to Plantation Street in Worcester. We would need to add a pump station in the Morningdale area.

- Pros: This would service a significant number of parcels.
- Cons: Significant up-front cost to install the system. Also need approval from the Town of Shrewsbury to install. Cost: \$5.7M - \$9.2M.

- **Funding/Grant Opportunities:**

- ***Clean water/environmental loan and grant programs:***

- Low interest (currently 2%)

- \$350M available, dependent upon EPA

- Due October 15 of each year

- About protecting the environment

- ***USRDA loan and grant programs:***

- Combination of loans and grants depending on income levels

- Towns must have fewer than 10,000 residents

- Census data is used to determine eligibility and funding

- Applications accepted on a rolling basis

- Based on median household income; if serving a lower-income section of town, that is taken into consideration.

- ***Massachusetts Economic Development Fund:***

- Prioritized in support of job creation

- Maximum grant is \$500K

- Applications accepted on a rolling basis

- ***Economic Development Administration (EDA):***

- Help distressed communities with critical infrastructure to help regulate development

- ***Community Development Block Grant:***

- Includes revitalization projects

- Average of \$714K

- Applications accepted mid-February each year.

- **Conclusions/Recommendations:**

- Decentralized is less expensive than centralized.

- Centralized has a longer implementation period due to negotiations with Shrewsbury and Worcester

- Decentralized option provides a “build to suit” approach by phasing

- If decentralized is preferred, confirming soil suitability on Town-owned parcels is critical.

- Mike May asked what the betterment assessment is based on. How can we shift the cost to commercial businesses that are benefitting from the system? David said capital costs can be recouped through connection fees.
- Mike May asked if there is an option for a private operation to run it? David said the State doesn’t allow that.
- Patrick Healy in the audience asked if any private sites have been identified for potential. Raymond said they have not; only Town-owned land, due to costs. Patrick said it seems parcels closer to the pumping station would save money in building costs.
- Mike asked the average percentage of the Town’s cost versus State funding. State 60/Town 40.
- Jamie Underwood asked if betterment fees can be paid up front versus over time. Raymond said commercial is typically up front; residential over time.
- David and Raymond said they need more feedback from the Town so they can fine-tune location and do research.
- Mike May said the cost of a 30-year amortization is approximately \$180K/year. While betterment fees and resulting tax revenue would reduce that.
- Patrick asked how long this would take from Day One to turnkey. Raymond said about two years.

### **Finance Committee F’17 Budget Review:**

- Spending has increased 6.5%, or approximately \$850K. Debt is \$425K (Library and DPW); schools are \$215K; and Town is \$212K (\$95K for health insurance and pension plus \$25K/year to run the new DPW building and \$25K/year for property re-evaluation).

- \$200K from new growth; half of an interest payment made this year due to early construction; \$75K in interest for this year; \$100K Fuller grant for the Library; we are only able to use \$33K due to an interest-only payment due this year; \$167K will come off of next year's tax rate.
- Net \$411K increase: \$.63 per \$1,000 on taxes; Warrant Article to apply free cash would reduce this by \$.23. Net: \$.40/\$1,000.
- The Ambulance Reserve Fund transfer last year was over \$200K to fund the operating budget. Cannot do that this year because we need a new ambulance next year. Best to do this year, about \$70K toward the operating budget. That would cover five to nine weekend shifts and will allow for banking some revenue toward the ambulance. The new ambulance cost is approximately \$280K. Need to decide.
- There is currently \$824K in free cash Articles in the Warrant. Lori asked about \$25K for re-evaluation. Coming from an overlay transfer? Dave Butler said he will look into this and instruct the TA to check with the Board of Assessors.
- The

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

*New DPW garage* project continues to progress. Work on the concrete pad will begin this week; the steel is expected to be delivered in the next week.

*FY'15 audit* has been completed. A copy of the Management Letter has been given to the Selectmen for review. We have responded to each of the issues raised by the auditors.

*Trust Funds:* copies of the review of trust funds from Bartholomew Investments have been given to the Selectmen.

*Stormwater improvement projects* on Route 140 in Boylston and West Boylston are moving forward. John Scannell from the DCR is drawing up paperwork for us to authorize them to do work on Town-owned property (Route 140). That work should begin in the new future.

*Cell tower lease at Hillside:* We have again received proposals from SBA Communications for an extension of the cell tower lease at Hillside. A copy of that letter has been given to the Board. Based on the data in the letter, the TA leans toward an extension with monthly lease payment and not the lump sum. He will discuss this with Town Counsel. Discussion was held regarding the possibility of lease renegotiations.

**Y.O.U., INC.:** On March 25 the TA received a request from Y.O.U. to increase the number of residents from nine to twelve. The Fire Chief said he has no issue with this as long as Y.O.U. has adequate staff. The Police Chief said this will double the number originally agreed to at the start of the lease. He has no problem with it as long as they maintain fully-trained and sufficient staff. He also requests they give a timely response to his requests for assistance when incidents occur. The lease is up in December.

- Mike May said they seem very responsible and attentive. Perhaps they could provide an emergency contact and put a procedure in place for the Police Chief to be sure he receives assistance as needed.
- Jim Wood said he is not happy about the increase but would agree as long as Chief Sahagian agrees.

**Greater Worcester Land Trust (Re: Pleasant Hill Farms/Elmer's Seat):** (Michael Melville, Pleasant Lane, and Colin of GWLT appeared before the Board.)

Colin stated that the land was gifted from the developer, Mr. James Vogel in 2008. The property was surveyed and marked; recently a wooden sign post was installed at the corner of the property. When land held for the Conservation Commission is exempt, it needs to be made clear it's serving a public service. One was to put a sign on the site and second was marking its existence online. Both have been done. The map is to assist people to navigate existing trails.

GWLT is considering tidying up paths to make into a loop to avoid accidental trespassing on residential parcels. They would like to preserve it as passive natural space and do not expect much traffic. The primary benefit is intended for neighbors. Jim Wood said the neighbors are up I arms and are here to express concerns. Jamie Underwood said this will not be an open complaint session.

- Mr. Melville stated the property is listed as experimental on the website. Colin said the first in a residential area was in 2007 but they have done several since that time. Mr. Melville said that when the

sign and social media/website promoted Elmer's Seat, the homeowners feel it violates the Homeowners Association rights and bylaws. He also feels the lots are part of their HOA, so guidelines should be followed. It comes down to safety of children; several young children live within 100 yards of the site.

- They are asking for the Board of Selectmen to help protect children and their neighborhood:
  - They would like the sign removed and stop promotion. Let them enjoy the gift of the site.
  - Also would like clear boundaries and signs on trails.
  - Overgrowth on sidewalks taken care of. Colin said there is no problem with mowing and clearing sidewalks, just not the trails.
  - Trash accumulates due to no receptacles. Colin said for them to let him know about trash if they see it. GWLT will remove it.
  - Motorized vehicles are not allowed but can't be policed. He has seen an ATV on the site. Colin said that, regarding ATV activity, signs can be posted at entrances. If it is ongoing, they can set up trail cameras to see if there are repeat offenders. He also requested the residents report to GWLT any ATV/motorcycles seen.
- Colin said they are not actively promoting the property. They made sure it was available on their website to ensure exempt status. A sign was placed for the same reason due to Massachusetts requirements, to assure the site meets public benefit, not benefit for a private group of individuals. The sign is actually smaller than most of their signs; more appropriate for a neighborhood setting. They can add signs to indicate "End of Conservation Land" so people don't wander onto private parcels.
- Mike Foley asked if this is a way to get a tax break. The developer "gifted" subdivision lots to avoid paying taxes. Colin said No, this was meant to benefit the community and increase the value of the subdivision by having preserved open space.
- Jim Wood said people from other areas are ruining the lives of residents who are trying to enjoy their property. Lorie Levy said maps are also posted on other websites for people from everywhere to visit. Also, they were not notified prior to the sign going up and being advertised. GWLT is in direct conflict with HOA rules.
- Mike May asked if this is conservation land or a park? Colin said it is conservation land, to be left in its natural state. Mike said, regarding the Planning Board, are we within boundaries of use for a parcel that is put out to attract the public to park and hike? Is that a use consistent with conservation land?
- Richard Baker of the Planning Board said a developer is required to set aside ten percent of the land as open space. If the Town chooses to decline, the land returns to the developer.
- Stephen Madaus said GWLT qualifies as non-profit educational, which is exempt.
- Mike May said the lots were to be covered under the HOA bylaw; this has changed the use of the subdivision for the homeowners. Lorie Levy said the deed shows specific lots in the GWLT purchase. Stephen Madaus said we do not enforce deed restrictions. The Board of Selectmen may not enforce HOA rules. Mike May said this a "good neighbor" issue and they need to address all the issues the neighbors have.
- Stephen said he does not disagree. The government has limited powers over HOAs, for example. In this instance a land court case put exemption to the test, so signage and promotion became a requirement. The Board of Selectmen has no place reviewing deeds; they are not a land court. Mike May said he is trying to frame the neighbors' feelings. What they expected is not what is happening. They should not have to deal with this. Colin said this is passive versus active recreation. Hiking does not change topography. The state sees this as passive. A pool and a field would be active. The state and the Appellate Assessors Board define the best way to identify that it serves a public good.
- Jamie asked if GWLT would consider selling the land to homeowners. Colin said they never have in the past. He would have to confer with their attorney since they need to honor the original intent for use of the land.
- Susan (property owner) said the land was gifted but the first they heard of it was April 2010. Laurie Levy said the deed was not gifted as conservation land but sold as lots. Mr. Foley asked why should they advertise. For a tax break? Colin said that due to size and location there is unlikely to be a major destination. That is not their intent.
- Ralph Viscomi said that if the issue is advertising, would it be reasonable to relocate maps to the Boylston website versus the GWLT website? Colin said it currently is only posted to two GWLT sites. Members

of GWLT should have the benefit of seeing all maps, since they help support GWLT. Richard Baker said, if the signs are removed, who can challenge it? Stephen Madaus said the Board of Assessors can. Colin said the sign location is due to the best place to get to the trails. Also, he has repeatedly requested that the sign area not be mowed but it continues to be and it makes the appearance of one lot. Their markers and stones have been removed from the site by residents. It needs to be clearly delineated that it is private conservation land.

- Mr. Foley asked Colin to confirm that they are not willing to take the map down. Colin said they will keep it on GWLT sites; he cannot control where it's reposted. Lorie Levy said the posted map shows a trail going into someone's private property; inviting people to cut through yards. Colin cited the Neff v. Hawley case. A meeting was held at the Worcester Registry of Deeds which asked for maps to be posted. All efforts to define the conservation land have been removed. Colin said the primary entrance should be the easiest way to enter, e.g., ability levels for most people, e.g., wheelchair or elderly. Laurie said if someone gets hurt, will GWLT pay the bill, or does the HOA pay? Colin said they need to not make boundaries for ADA reasons. Robin Foley said it is not reasonable for a person with a wheelchair to navigate the site. Also, the trails are not clearly marked.
- Colin said they will discuss moving the sign but we need to work together and maybe not mow the lawn. Joe McGrath said pink markers go back to when the land was surveyed. There is a large vernal pool and wetlands. Susan asked why HOA should mow and maintain the sidewalk in front of GWLT. Laurie said it is overgrown and is a hazard to their children. Colin said they will maintain the sidewalk but he also encourages residents to call if they are concerned about overgrowth; they will handle it.
- Jim Wood asked Town Counsel if a parking ban exists. Steve said there does not; they would have to add it to the general bylaw. Colin said volunteers need to park in order to maintain the property.
- Mike May asked if GWLT is willing to entertain the notion of the land being deeded to the Conservation Commission in exchange for another parcel. Colin said that if they have a formal suggestion, he would bring it to the Board of Directors. They would need to be assured that conservation preservation would be maintained.
- Richard Baker asked if any of the Selectmen know why the Town previously refused the land.
- Colin said that, in conclusion,
  - If residents notice a problem, let GWLT know;
  - They will look at the possibility of moving the sign. They will need cooperation concerning the lawn not continuing to be mowed;
  - Turn trails into a well-marked loop;
  - Signs at dead ends that indicate "End of Conservation Land."

*At 8:52 PM, on a motion made by Selectman Michael May and seconded by Jamie Underwood, the following roll call vote was recorded to go into Executive Session under MGL c. 30A §21(a) ¶3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body, and the chair so declares, relative to claims against Lexon Surety Company; and under MGL c. 30A §21(a) ¶6 to consider the lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, relative to lease renewal/negotiations concerning the Gough House, 221 Main Street, Boylston. James Wood: Yes; Michael May: Yes; James Underwood: Yes. The Board agreed they would reconvene only to adjourn.*

*At 9:46 PM Selectman Michael May motioned to adjourn Executive Session and reconvene in Open Session only to adjourn. James Underwood seconded; roll call vote recorded as follows: James Wood: Yes; Michael May: Yes; James Underwood: Yes.*

The meeting was adjourned at 9:46 PM.

Respectfully submitted,  
Lori Esposito, Assistant to the Board of Selectmen