



## Board of Selectmen

Date of Meeting: Monday, February 27, 2017  
Location: Town Hall, 221 Main Street  
Time: 6:30 PM – 8:10 PM  
Members Present: Chairman James Wood; Michael May; James Underwood; Marty McNamara, Town Administrator; Stephen Madaus, Town Counsel; April C. Steward, Administrative Assistant to the Board

The meeting commenced at 6:30 PM.

Financial Warrants were signed in agreement.

Pledge of Allegiance was recited.

### **Report of the Highway Superintendent to the Board of Selectmen:**

- Steve Osterberg may be out for an extended amount of time.
- We have hired a mechanic/equipment operator (James Deal)
- We have been able to get much more work done on all equipment in house and not sub work out
- We've plowed 17 times and treated the roads 38 times this winter season. We are approximately 50K over budget for snow expense.
- We are running a short crew (I have a seasonal driver and one seasonal piece of equipment for that plow routes)
- Cleaning of waterways from beavers
- Started hanging plywood on the walls in the shop for organizing
- Patch holes on various roads and street with a high performance material. We have borrowed the Town of Berlin's hot box and this week we will be out patching weather permitting.
- We have sand and salt mix at 385 Main Street for residents
- **Cemetery Interments**
  - Stark, Richard
  - Lucia, Louise "Helen"
  - Sullivan, Faith
  - Wooldridge, Frank
  - Howe, Elizabeth
- **Yard Waste**
  - Once the better weather comes we will have one (1) Saturday morning that we will have leaf collection open

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

- **Police Academy:** At the last meeting I mentioned that there has been talk of the Police Academy closing. Since that meeting I have sent correspondence to Representative Naughton, and Senator Chandler. During her office hours here at Town Hall on February 6<sup>th</sup> Senator Chandler spoke to April and indicated that there are currently no plans to close the Boylston Academy. A copy of April's write-up of that conversation is attached.

Last week, I spoke to Rep. Naughton. He indicated that he has been told that there are no plans to close the Academy. He had a meeting set to discuss the Academy with the Under Secretary of Public Safety. He is scheduled to appear before the board later this evening to share the information he receives.

I also did some checking of the Municipal Police Training Committee website where there are copies of the minutes from the committee's meetings. The Boylston Academy was mentioned at 2 of the recent meetings. I have attached copies of those minutes for your review. In a nutshell, there are no recruit

classes scheduled in Boylston, and the Director position remains vacant. It also appears that the \$50K earmark to Boylston for FY 17 that was sponsored by Representative Naughton has been held up by the committee due to budget constraints.

I want to just mention again that the revenue received from the Academy lease is a significant portion of the Hillside Reserved Receipts Account. This fund is what is used for maintenance and upkeep of the buildings and property here on the hill.

- ***Tower Hill Change of Manager:*** The ABCC has returned the request for a change of Managers at Tower Hill. The request must be first approved by this board before ABCC can approve it. Copy of the denial is attached. A new Director has been appointed, so it makes sense to wait for her to begin before refiling this. There is also an advisory regarding serving wine in private clubs.
- ***HR Audit:*** Two weeks ago Mary Aicardi from the Collins Center at UMass Boston interviewed Department Heads as part of the HR Audit. She has also provided us with a number of Policies that Lindsay Katz is reviewing and rewriting as needed.
- ***TIF Request:*** After some discussion and correspondence between FedEx, Selectman May and myself, FedEx has decided to withdraw their request for a TIF. A copy of their withdrawal notification is attached. Discussion ensued about Planning Board meeting to be held on Thursday in regards to the FedEx location and abutting Shrewsbury parcel.
- ***Rand Whitney Property:*** Attached is a copy of a letter I sent to Mr. Robert Kraft regarding the Rand Whitney property along Route 140. In the letter I advise Mr. Kraft that Boylston is ready and willing to assist his organization in developing that property.
- ***Highway Department Union:*** A negotiation session is held on 2/14 with the Highway Department Union. There is a meeting scheduled for tomorrow 2/28, and we have one additional dates set for 3/14. We are making progress on an agreement and should have something for the board to review shortly after the meeting on the 14th.
- ***Town House Windows:*** Bob Bourassa has been getting quotes for the replacement of windows at the Town House, and we are about ready to go forward with that project. There are funds available that were approved at TM last year. I would like to ask the board to authorize us to expend up to \$550,000.00 for this project. I will also tell you that we will be requesting \$75,000.00 at TM this year for further upgrades including an elevator. *Jaimie Underwood made a motion to allow Bob Bourassa and Martin McNamara to spend \$50K for replacement windows that was already approved at last year's TM; seconded by Michael May; voted all in favor.*
- ***Town Budgets:*** Lastly, there are some financial documents in your packet for informational purposes including: a new Budget for the Accountant; our FY18 assessments from CMRPC and the Wachusett Recycling Center, a breakdown of the increase in our Pension Assessment showing the amounts assessed to the Town, School, and Light Department. There is a listing of the requests for Free Cash we have received so far, a comparison of the FY 17 vs. the FY18 Budgets, and a report on spending on the Highway Building. The Finance Committee chair has expressed some concern that this year's budget is \$805K above last year's budget. Roughly \$547K of the \$805K is related to the school department, \$90K is related to healthcare increases, and \$88K is related to pension increases. The school department increase of \$540K does not include their portion of the healthcare and pension increases which are listed separately above and are not included in the school budget. Chairman Wood thought that the school department increases seemed a little excessive, and he would like to see that number trimmed down. TA stated that FinCom felt the same way.

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

- ***Schedule of Permit Fees*** were presented.

- **J&M Batista** Building Inspector asked for a reduction in fees for the installation of overhead canopies. Using the square footage formula that Boylston currently is using the fee would be \$5,580.00. Mike May motioned for a modification of the permit fee for a flat \$1,000.00 for 270 Shrewsbury Streets canopy installation estimated construction cost of \$95,000.00; Jamie Underwood seconded; voted all in favor

#### **Citizen's Comments:**

- **Theresa Prunier** - 25 Coderre Road, abutter to Sewell Pond. Theresa is looking for information on finalization on Camp Harrington property? BOS stated nothing has been finalized by the town and there are no updates currently available on the property. Mike May offered to speak with her offline with him or with Mr. Riccardi who is down the hall for the Conservation Committee meeting which is also taking place this evening.
- **FedEx Project Question** - Has a builder been selected yet for the project? BOS answered yes. Question was asked if they are going to use responsible employers and use local people to build it. Mike May answered they are using a National General Contractor out of St. Louis, and they selected a builder, Pierce Construction who will be using a combination of open and union shops.
- **Homaira Naseem** - Came in to introduce herself to the Board. She has been a town resident for the past twenty-five years and has raised three children in town who have benefited from the robust public education we have here in town. She is an engineer who has worked at Mexichem Specialty Compounds in Leominster for the past 31 years and holds three patents.

**One-Day Beer/Wine License Request:** St Mary of the Hills church has requested a one-day beer and wine license for a March 11, 2017 St. Patrick's dinner from 5:00 to 8:30 PM.

*Michael May motioned to approve the request; Jamie Underwood seconded; voted all in favor.*

**Town Meeting Warrant Articles:** *Jamie Underwood made a motion to open the Town Meeting Warrant and Articles and they will be closed on March 20<sup>th</sup>, 2017; Mike May seconded; voted all in favor.*

**Parcel on Pleasant Lane:** Jim Vogel would like to gift lot 33 in the subdivision located on Pleasant Lane to the town. In the past he has gifted several lots of land to the Worcester Land Trust. Unbeknownst to him, the Worcester Land Trust posted on their website about the land and it was quite upsetting to the residents in the neighborhood. With this last parcel other neighbors have suggested to Jim that he gift it to the town. The lot is close to 2 acres. He is currently developing other properties and feels that he does not have the time or interest at this moment to develop the parcel. He has one perk on the property and could go back to do another but has not done it at this time. It is more costly to develop one lot than to develop several in the same area. Jamie Underwood inquired if he has asked any of the neighbors if they were interested in buying the lot? The abutters may be interested in purchasing the property. Marty asked why we wouldn't want to receive the gift and then send out an RFP to see if the abutters would like to purchase the property. Jim would like to see any money generated off of the property go into an education fund. Town Counsel said it would have to go before Town Meeting and be voted on for the Board to be authorized to accept a gift of land. It would be a majority vote with no appropriation required. Or, the Homeowner's Association could accept it as open space and then it stays on as tax revenue. Each person in the Association would have to pay a portion of the taxes on the open land if they decided to accept it as such. Jim stated that he knows that the president of the Homeowner's Association already has some degree of difficulty collecting fees from members of the Association and felt that that idea may not be well received. A letter had already been sent out to the members of the Association letting them know that Jim was going before the BOS to gift the land to the town. Town Counsel asked about if the land was gifted to the town and then the town did sell the land and put the revenue generated into a fund, would that be something that he would be OK with? Jim replied development vs. open space would be something that the BOS would have to decide. Discussion ensued on development vs. open space and which would be best. Questions was asked to Jim if he was going to put any stipulations

on the parcel for future use. The Board feels that there will have to be some rules when land is gifted to the town, but it also needs to be a little open ended and be catered to the individual parcels and their needs.

*Mike May motioned that the board move to put lot 33 onto the town warrant with a purpose to be defined prior to town meeting; Jamie Underwood seconded the motion; voted all in favor.*

Town Administrator brought up the point that all the parcels that the town takes in as a gift comes off of the tax role and becomes the responsibility of the town if anything happens on the property, such as trash dumping, forest fires, and etc..

**Representative Harold Naughton:** Came in to update us on a few items. The legislation (No. 1429) to allow Chief Sahagian to work beyond his 65<sup>th</sup> birthday has been filed timely, but due to the legislative calendar it ran out of time and has been resubmitted. The Elmwood Place legislation (No. 1120) was passed at 11:58 on July 31<sup>st</sup>. He anticipates success on both pieces of legislation passing.

The MCJTC has no plans to be closed. Currently they are advertising for a Program Coordinator. There have been some personnel issues with the Academy Director, one person moved on, another person came in and didn't really like it there. The three State Academy's, the other Municipal Academies and National Academies are all having problems recruiting police officers. It could be attributable to everything that is going on in society currently. It is not a question of subpar applicants, it is that there aren't enough applicants to begin with.

This year's February picture of the 2017 MA Agriculture Calendar is a picture taken by Tricia May from Spring Ridge Farm in Boylston and it is of her piglets. Sen. Naughton brought in a copy of the calendar to give to Mike May.

Any idea what we can expect budget wise? Sen. Naughton did not really have any additional information.

Sen. Naughton also presented Chairman Wood with a piece of memorabilia. It was a campaign flyer that he used in the year 2000. Chairman Wood was in the photo presenting the Boylston Flag at the State House.

Finance Committee would like to have a joint meeting with the BOS on March 13<sup>th</sup>, 2017.

Chairman Wood was thinking about the parcel of land located in between Rte. 140, Sewall St. and School Street. He feels that it is going to disrupt all of the residents in the area, and would place a burden on the school district with the extra kids. It was mentioned that there would be an increase around 20 children, but it sounds like it will be more like 120 children according to the Superintendent of Schools. Chairman Wood asked Town Counsel what would he think, and would it be possible to do, if the town were to start eminent domain proceedings on that piece of property to do an over 55 housing development? That way the town could be in charge of how many were going to be put there, where they were going to put them and maybe not to put houses right on Rte. 140. Maybe the strip on Rte. 140 could be set aside for some town purpose in the future. Could we do that? Town Counsel stated that you can always take property for a valid public purpose. Senior housing is a valid public purpose. Jamie Underwood said it would have to be affordable senior housing. Chairman Wood agreed. He said there have been a lot of people who have had to move out of town and move to the senior housing in West Boylston because we don't have affordable senior housing in this town. Town Counsel said that Paxton put out a parcel of land for senior housing development that was income restricted. What they found was it was easier to make the land available, similar to an RFP that had developer requirements, than build it themselves. It was a private project on public land. That would need a 2/3 vote at Town Meeting to pass. The development in Paxton was a ground lease, the land was not sold to the developers. Jamie asked if the town really wanted to be involved with being builders. Marty McNamara said they way that Paxton did it wasn't bad. You take the land and then put out an RFP and have someone come in and build it. Chairman Wood asked if the proceeds that you would get from that would pay the land

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off. In Paxton, they already owned the land so they did not sell the land, they leased it. Town Counsel said you would need a valid reason (senior housing) and you would need an appropriation of the assessed value, the appraised value of the property to cut a check. The town has done that in the past, when they took the Hillside property. So many people have had to move out of the town for affordable senior housing that Chairman Wood feels that that is not right. What this would do would be to alleviate a big part of the congestion problem that was being proposed up there. The BOS would need the appropriation of the full value of the property. The TA said that if it passed at town meeting the very next day you would be able to hand them a check, so you would have to bond it and go through the whole process. It would be difficult to get it all done before Town Meeting. Town Counsel said the challenge is presenting a legitimate public purpose to take the property by eminent domain. Jamie Underwood explained that since affordable housing is also a need the town has it would be difficult to take the land for another legitimate need (senior housing) especially if the 40B application has already been submitted. Mr. Wood felt that the town should be first priority to be able to meet the town's needs, and that senior housing is a legitimate purpose. If affordable housing was agreed upon, who would build the properties? How would this acquisition effect the tax role? There are a lot of details and risk to be worked out. The way Paxton did it was they made the land available for a ground lease for a private developer to come in and build the project. It was not a public project. They also had no senior housing for their residence to provide relief for seniors who have now found that home ownership had become too burdensome. Town Counsel asked if the developer had offered to do a LIP program instead of the 40B because it does make it an easier process. Chairman Wood said that they did speak to the LIP process, but by the end of the meeting the developer said they were going to proceed either way. Chairman Wood asked if the town could take the land, contract a developer, he builds it to the town's specifications. Is there a way that we can do something without costing the town? Town Counsel said then it becomes public project being built at prevailing wage. He also told of University of Lowell putting out a statement that they needed a new dorm and if someone would build one they would lease it for whatever it costed to build it. TA talked about the possibility that the church is not looking to be landlords, but just to make the most possible profit from the sale of the land, maybe if someone came in and offered them a price they were satisfied with they would sell the parcel. All agreed that the town has a lot to think about and would want to proceed with caution in any event.

**Selectmen's Meeting Minutes:** The minutes of January 30th were presented for approval. *Jamie Underwood motioned to accept the meeting minutes as written; James Wood seconded; voted all in favor*

*At 8:31 PM Jamie Underwood motioned to adjourn; James Wood seconded; voted all in favor.*

The meeting was adjourned at 8:31 PM.

Respectfully submitted,  
April C. Steward, Assistant to the Board of Selectmen

### **Meeting Materials**

Agenda	On file in Board of Selectmen's Office
Meeting Sign-In Sheet	On file in Board of Selectmen's Office
Highway Superintendent Report	On file in Board of Selectmen's Office
TA Report	On file in Board of Selectmen's Office
Building Superintendent Report	On file in Board of Selectmen's Office
Meeting Minutes – 1/30/17	On file in Board of Selectmen's Office
Representative Naughton's Paperwork	On file in Board of Selectmen's Office