



Board of Selectmen

Date of Meeting: Monday, November 2nd, 2020
Time: 6:30 PM – 8:47 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.

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

Please click the link below to join the webinar:

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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.

- Town Counsel, Stephen Madaus: No
- 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.

Approval of 10/19/2020 meeting minutes:

Seth requested that we add that he recused himself for the 40B discussion.

Seth Ridinger made a motion to approve the meeting minutes from 10/19/2020 with that one change as specified, Matt seconded. Voted all in favor. Matt: Yes, Jamie: Yes, and Seth: Yes.

Town Administrator Report:

1. *Town Planner Intermunicipal Agreement:* I have included in your packet an IMA with the Town of Upton to share the Town Planner. Paul was offered a choice of either town's benefit packages or chose to be under the umbrella of the Town of Upton. The agreement clearly defines the obligations of both communities, compensation, and benefits of the shared position. Upton will take care of the responsibility of payroll for the Planner position and will bill Boylston in three installments. The board members will need to sign the agreement. Once we have signed, I will forward over to Upton for full execution.
2. *Special Town Meeting:* Today is the day selected to close the Warrant. I would like to ask the board vote to close the warrant

Seth Ridinger moved to close the warrant today, Monday, November 2nd, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

3. *Update on 40B Project:* Stephen and I have met with the Developers on this project several times over the last two weeks. An Applicant Advisory Committee meeting was held with the Developers in attendance and the two needs that arose from the meeting were for road improvements at the Rte. 140 and South Sewall Street intersection and the Water District requested assistance with improving their pumping equipment. Based off those two needs, we negotiated a proposal that I have included in your packet for your feedback.

**Seth Ridinger recused himself from this discussion.*

Jamie stated he had reviewed it and has a few concerns; first time every going through a LIP proposal and wants to make sure what we are asking or is in line with what other communities would get with a project this size. Matt stated that there are a lot involved in these types of negotiations that he is not familiar with. He researched attorneys and spoke with Adam Costa, who specializes in 40B projects; believes that it is going to cost us a little more money, but in the end he thinks it will get us more than weighing it on our own. Jamie stated he agreed and would be in full favor of appointing attorney Costa to help with these negotiations.

Matt mentioned that we have plenty of comments about how much development in town there has been, and another thing people bring up is how developers get away with so much and have not been held accountable. He believes we should do our due diligence to make sure we know exactly what we are dealing with. April stated that we just did an agreement with someone for the Assessors dept and can take that agreement and make changes to fit Adam Costa.

April asked the Board if they would still like Stephen to come to the table and how they would like the dynamics moving forward. Matt responded that he would like April there as well as Stephen and if they need a board member there, one of them will be happy to get involved.

Matt Mecum made a motion to appoint Attorney Adam Costa as Special Town Counsel for the LIP project, Jamie Underwood seconded. Voted in favor: Matt: Yes, and Jamie: Yes.

Matt Mecum made a motion to authorize the chair to sign the service agreement with Attorney Adam Costa as Special Town Counsel, Jamie seconded. Matt: Yes, and Jamie: Yes.

4. *Fall Leaf Litter:* Please keep leaf litter out of the streets. Do not blow or rake leaves, grass clippings, and tree branches into the street. These will leach nutrients into the stormwater runoff and contribute to pollution in our waters. Leaf Litter can also plug storm drains and increase flooding issues. Instead, mulch or compost yard waste away from streams or other waterways or dispose at your local landfill.
5. *Unique Property Acquisition Determination:* Ordinarily the board would solicit proposals to acquire property. For the town to purchase the property at 85 Sewell Street, the board will have to vote to determine the property as a unique property acquisition. I will bring it in on the 16th for your approval.
6. *Wachusett Watershed Hunting Season:* DCR advised us that the property in the Wachusett Watershed opened to hunting on Monday, October 19th. This includes the 2,800 acres around the Wachusett Reservoir within the boundaries set by Routes 110, 12, 140, and 70 known as the Reservoir Zone. Our Natural Resources Section and Ranger Staff expect it will be busy this year- especially for the first week.

In 2020, hunting will take place on the Division's Wachusett Watershed properties from October 19 to December 31 for the following types of hunting:

- Archery Season (Zone 9): Oct. 19 - Nov. 28.
- Shotgun Season: Nov. 30 - Dec. 12
- Primitive Firearms Season: Dec. 14 - Dec. 31

The Reservoir Zone is open for white-tailed deer hunting ONLY. All other DCR properties in the Watershed are open to all hunting and trapping.

It has been a challenging year on many fronts. DCR Rangers are seeing and dealing with an increase in visitors with a disregard for our regulations. You may be having similar experiences, and we commend and thank your police department for their professional work. Trespassing incidents at the Wachusett dam have been increasing of late, and Watershed Rangers have been coordinating with MWRA, State Police, Local Police and EPOs as appropriate in responding to these and other breaches of security. Just a reminder that if you or your town members are on DCR land to "see something, say something." Anything odd or out of place please report to our DCR Watershed Rangers at 978-365-3800. After hours call MEMA state control at 508-820-2000.

7. *Unemployment Claims:* In recent months we have seen fraudulent unemployment claims become an issue not only in Boylston, but across the state. We are handling the claims with guidance from the state. I would like to let residents know to be aware and watch your accounts. If you have been a victim in any data breaches to date, you could become a victim of unemployment fraud. When I receive any claims, I reach out immediately to the employee to validate the claim and provide them with directions on how to proceed with protecting them from a fraudulent claim being filed on their behalf. I encourage people to go onto the Mass.gov website for more information on this ongoing issue

8. *Executive Office of Energy & Environmental Affairs (EEA) Grant:* You may remember back in the spring we partnered with the CMRPC to request for a Planning Assistance Grant from the EEA. I received confirmation back from CMRPC last week that we were approved for the grant in the amount of \$40,000. Trish Settles reached out to the EEA for permission to utilize the funding for other elements within the Master Plan and was given those approvals as well. This is great news for the town and the Master Planning Steering Committee.

Police Chiefs Report:

Speed Tractor: Mile Hill Road and Warren Street; positive comments from residents.

14th – 40B project meeting on site; striping plan discussion

19th – Zoom meeting with IMC

21st – IMC installed software

25th – One Officer went out on COVID Quarantine due to paternity leave

27th – Town resident and wife dropped off coffee products to PD

27th – Election – After hour security checks on ballot box

27th – Attended Zoom meeting for Styles Road Project

27th – Code Red

28th – Zoom meeting with MEMA on security regarding Elections

29th – AKUITY installed hardware

30th – Officer passed his Return to duty

31st – Halloween – No issues. Police Department had a town resident volunteer and sit to pass out candy.

Nov 3rd – Resident will bring deli lunch to PD

Jamie asked the Chief if they have thought about adding on one or two more Police Officers. The Chief stated that the Sergeants have given him some recommendations. They are spending a lot of time trying to fill shifts and Officers are not able to take their scheduled days off. He looked at the FBI stats for New England communities with less than 10,000 residents and are approved for 12.6 officers for a community of our size. The Chief believes that \$115,000+ for two officers, he believes that there would be a saving of anywhere between \$25,000-\$40,000 in overtime. Jamie stated they should seriously look at this hard over the next month.

Dave Butler mentioned that the time is right, they have \$160,000 budgeted for overtime and if any of the past years indicate, they will end up transferring another \$30,000-\$40,000 for overtime expenses. Matt asked if this includes new equipment. The Chief responded that its 2 officers per vehicle and they are at that right now so it looks like it would be one more vehicle added. David Butler recommended that the Board of Selectmen move on this sooner rather than

later. Jamie agreed. Matt stated that we owe it to the officers to provide them with a good place to work and have time for their families. The Chief finished up that the numbers they are at right now are indicative of a pretty robust workload. The Board gave the Chief a green light to move forward with a search for new officers.

Fire Chiefs Report:

The Fire Chief stated they are up for reaccreditation for the South Wachusett Regional Planning Committee and he needs approval from the Board and vote to have the chair sign the Hazardous Materials Emergency Response Plan. (see below)

The Chief added that they have about \$12,000 in grants pending; working hard on trying to get the department some money.

Vote to approve and have Chair sign the Hazardous Materials Response Plan:

Matt Mecum made a motion to approve the South Wachusett Hazardous Materials Response Plan, Seth Ridinger seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Building Inspector:

Steadily keeping busy. Last few weeks, April, Nina, and Tony have been looking at permit software to try to see about getting something set up for the Town. By having this it would cut down a lot of foot traffic for the project and free up a lot of time for Nina. Jamie mentioned that this would streamline a lot of information for residents. Matt mentioned that the new Assessor Christian has experience with electronic permitting and Tony stated one of the ones they are trying out is from the Assessors dept.

Highway Superintendent:

Steve Mero mentioned they have been busy over the last few months; road paving, guard rail replacement, Mile Hill Road edges backfilled, and tree work on Mile Hill Road and Green Street along the Haven Country Club. Saw the first snow on October 30th – cannot thank the guys enough for all their hard work and getting out there to treat the conditions. Regarding the Cemetery, the numbers are lower than usual year to date. Yard Waste – Fantastic turn out this year. The Highway Department did 4 days: Fridays and Saturdays. Great turnout and feedback from the people who utilized it. They will continue the yard waste in the spring for residents and think about adding a couple of days next year.

Steve asked about a pothole policy to see we could get it on the Annual Town Meeting or if it could be approved by the Board of Selectmen. April mentioned that the Highway Dept did submit two policies: on the mailboxes and potholes. April mentioned she is unsure if it needs to go to Town Meeting or if it can just be voted by the BOS but will find out from Stephen Madaus. Matt mentioned that residents have mentioned to him that the roads look great and they are the best they have seen in years. Seth asked how the highway department disposes of yard waste and Steve responded that they have a pile in the lot that they do turnover occasionally and try to process some of the materials themselves and use it back out in the town.

Tax Classification Hearing: Joint Hearing with Board of Assessors (6:30 PM):

Van Baker started off the conversation by stating that the Board of Assessors met earlier this evening to finalize what their recommendation is going to be for the tax rate. Van stated Paul did a fantastic job of showing what a single rate would look like versus what a split rate would look like; every \$0.17 we would save on the residential rate, the commercial and industrial would increase by \$0.98. The Assessors Board came to the unanimous decision to stay at a single rate of \$17.22/per thousand; 4.111% increase year over year. Van explained that Boylston's tax base is very heavily weighted in residential so that's why they are recommending until we have a more balanced source of income, for the foreseeable future until we have more commercial or industrial, we are looking at probably having a single rate for a while.

Dave Butler asked what they are putting in for the Assessors overlay. Paul O'Connor stated that he believes it would be \$78,000; in the interest of keeping the tax rate down. The average 5-year was \$58,000. Paul mentioned that Tom Martiska is in the room and in attendance for the meeting. Jamie asked Dave what the Finance Committees thoughts were, and Dave responded that a single rate is good to stay with because the increase is so dramatic if we shift it. Matt asked Dave how the \$17.22 compares to what was discussed at the Annual Town Meeting and Dave Butler stated that it is much better than what we were anticipating; captured a lot of new growth and there was a jump in personal property. He also mentioned that we had enough leftover money in the budget last year to pay off the snow and ice deficits that we didn't add onto the tax rate.

Matt Mecum made a motion to set a single tax rate at \$17.22, Seth Ridinger seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Parks and Rec: Land Discussion and vacant space on lower level of Town Hall:

Eric Hoffses, Chair of the Parks and Rec mentioned that Colin Novick approached P&R back in July to see if they are interested in a partnership with some land down by Sewall Pond; 4 acres of usable land for recreation access and believes there are 18 acres on the site in total. The greater Worcester Land Trust would be the ones purchasing the land and holding the deed on the land; We would have a formal MOU with the Town on this. Colin Novick mentioned that the Greater Worcester Land Trust was approached about this parcel which is the remaining part of Camp Harrington. It is a little out of their orbit but thought if there was a partnership with the Town and an active recreation use, that they could comfortable move forward with a potential project. If they were to grab it, hold it and leave it as vacant space, because of where it is located, they do not think it's a good fit. One of the questions they had was if the Recreation Commission and the Board of Selectmen would be interested in pursuing a partnership project where a section of this site was available for active recreation. Eric mentioned that based on the OSRPC survey, residents were looking for a dog park, disc golf and other items but the Parks and Recreation budget is quite small so he does not see them being able to come up with the funds for the project and thought they best opportunity would be to partner with one of the sports leagues in town where they build and maintain the field and get to use it.

Colin mentioned another prospect would be applying for a state land grant; 50% match or a land/water Conservation Fund grant; – if you were to go with the state or federal grant, you could probably by having close to the cost by leveraging outside money. Eric Rubinow, who is a part of the Lacrosse league mentioned that a lacrosse field is roughly 2 acres and asked if the ability to

irrigate and fertilize is possible to do on that land. Colin mentioned 2 acres would work plus parking and regarding irrigation, they would need to build a system out there to maintain it. He would not rule it out, they would need to figure out the costs. The Water District would be able to answer the question regarding the fertilization.

Matt asked if there would be some assistance on getting some grants. Colin responded they would be happy to advise on grants, but the grant technically needs to come from the Town to be eligible. Jamie asked what the usage for the remaining land would be if they only needed 3 acres and Colin responded that if the Town wanted to own this and run the show, they would be open to exploring that possibility. If it was acquired by them, and held by them, there would be a passive recreation component; hiking paths, vista out over Sewall Pond and doubles back to beginning. Jamie asked if they had a time frame and Colin responded that the property owner is looking to try to move on this property by the end of this year; right now, they would have to pretty quickly come up with a rough plan to make this work. They just need to know that there is a strong interest within the town, and it becomes viable for them. Seth asked if it would be a nonstarter for the Worcester Land Trust if there was not an active recreation component. Colin responded that this property on its own without people making use of it, could become a little bit of a liability and they were looking for a joint use; recreation pursuit and active component to keep eyes on the site. Colin mentioned he expects this to take a couple years, they are not strictly speaking they are in a rush. They just want to know if there is a strong interest in this land and if there a recreational use that makes sense if there is an end point. Matt stated that he believes this is worth continuing the conversation. Colin suggested that the Worcester Land Trust could acquire the land so they do not waste time and then the Town could buy it from them at a later point. Discussion continued the different opportunities the Town must acquire the land. Jamie suggested that we sit back and see how the conversation goes and Colin mentioned he will reach out to Eric, the lacrosse league, and the Town Administrator. Seth asked Eric if there are any other viable sports groups that would use the space and Eric stated that lacrosse was the only sport in town that did not have their own field. They also looked into disc golf and a formal dog park, but the budget for Parks and Rec is so small, they couldn't keep up on the maintenance. Having a sports team that could keep up with maintenance would be the best fit.

Eric stated that P&R had met last January about possibly moving the space to the basement of the Town Hall and questioned where we are at regarding this. April mentioned they have been in discussions regarding the space with the Facilities Technician. Bob Bourassa has just wrapped up one project at the Police Building and is working on the Flagg estate, once this is done, he will be moving downstairs of the Town Hall to add in bathrooms. She mentioned they do not need to put in an elevator, and they will not be touching the asbestos. They are hoping to build out two offices to put COA and P&R downstairs to share the space to open the upstairs office to put the Town Planner and Building Inspector together. Looking at a springtime-summertime goal. Jamie asked if he could get a drawing to visualize the space. April mentioned they are eventually looking to move COA to the Town House but it's going to take some time.

Appoint Paul Dell Aquila as the Boylston Town Planner:

Paul mentioned that he is very excited to get started and is glad he jumped on the call early to hear a few projects going on in town; he was born and raised in Worcester, has been a planner in Central Massachusetts for close to 10 years, went to grad school in California and then came back to this

area, loves Central MA and is excited to work in Boylston and Upton. Paul asked to have fairly set hours so residents can reach him. It will be worked out over the next couple of weeks. Paul thanked April and the rest of the Board for the opportunity. Seth mentioned that Boylston plans to put him right to work and welcomed him to the town.

Matt Mecum made a motion to appoint Paul Dell Aquila as the Boylston Town Planner, Seth Ridinger seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Appoint Christian Kuhn as Principal Assessor:

Van Baker thanked the Board for the opportunity to have Christian join the Assessor Department. Christian mentioned he grew up outside of Chicago and moved to New England to go to UNH and never left. He has worked in different types of offices but mentioned he loves the small town feel and looks forward to working for Boylston. Matt mentioned he had a chance to meet with Christian during one of the interviews and he believes that he will be a good fit. The board welcomed Christian to the town and is ready for him to get started.

Seth Ridinger made a motion to appoint Christian Kuhn as the Principal Assessor, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Appoint Attorney Adam Costa as Special Town Counsel for LIP:

Matt Mecum made a motion to appoint Attorney Adam Costa as Special Town Counsel for the LIP project, Jamie Underwood seconded. Voted in favor: Matt: Yes, and Jamie: Yes.

Matt Mecum made a motion to authorize the chair sign the service agreement with Adam Costa as Special Town Counsel, Jamie seconded. Voted in favor. Matt: Yes, and Jamie: Yes

Vote on Winter Parking Ban: 12/1/20 – 4/1/21:

Seth Ridinger made a motion to approve the Winter Parking Ban from 12/01/20 – 04/01/21, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Vote to approve and have Chair sign \$5,000 Grant awarded to the Town Clerks office from the Center for Tech and Civic Life:

Seth Ridinger moved that the Board of Selectmen accept and approve for the chair to sign the \$5,000 grant awarded to the Town Clerks office from the Center for Tech and Civic Life, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Review/Approve IMA Agreement with Town of Upton:

April has included this in her Town Administrators report and included it in the BOS packet. When Paul Dell Aquila sat down with both HRs, he chose to go under the Town of Upton's benefit package. This agreement clearly defines both communities' compensations and benefits of the

shared position. Upton will take responsibility on paying Paul and will bill Boylston in three installments. Each board member will need to sign this agreement and then April can forward it over to the Town of Upton. There are a few minor modifications that Town Counsel would like to make to the document. Stephen Madaus asked that the Board move tonight to approve the MOU in general form as presented with any additional edits as deemed necessary by Town Counsel.

Seth Ridinger moved to approve the MOU in the general form as presented with any additional edits as deemed necessary by Town Counsel, Matt Mecum seconded. Voted all in favor. Matt: Yes, Seth: Yes, and Jamie: Yes.

Payable Warrants - Brought to the Board by Seth:

Seth asked if the Board could authorize April to sign the payable warrants to keep less foot traffic in the Town Hall due to COVID and the rising numbers. Jamie suggested seeing if they could check with Town Counsel for that or see if there is any way to e- sign them. Seth asked if April could reach out to Town Counsel and get back to the Board.

Respectfully submitted,

Alison Mack, Assistant to the Board of Selectmen

Meeting Materials

Agenda	On File in the Board of Selectmen's Office
Sewall Pond Map	On File in the Board of Selectmen's Office
10/19/2020 Meeting Minutes	On File in the Board of Selectmen's Office
Highway Supt. Report	On File in the Board of Selectmen's Office
Chief of Police Report	On File in the Board of Selectmen's Office
Chief of Police Hiring Figures	On File in the Board of Selectmen's Office
40B Discussions/LIP Proposal for MOU	On File in the Board of Selectmen's Office
Boylston Winter Parking Ban	On File in the Board of Selectmen's Office
Building Inspectors Report	On File in the Board of Selectmen's Office
Center for Tech and Civic Life Letter	On File in the Board of Selectmen's Office