



**Town of Boylston 221 Main Street, Boylston, MA 01505**

## **Board of Selectmen Minutes 04/13/15**

Date of Meeting: Monday, April 13, 2015  
Location: Town Hall, 221 Main Street  
Time: 6:30 PM – 10:18 PM  
Members Present: Chairman James Wood; Michael May; Jamie Underwood; Stephen Madaus, Town Counsel; Marty McNamara, Town Administrator; Lori Esposito, Administrative Assistant

The meeting was called to order at 6:30 PM by Chairman Wood.

**Eric Johnson, Plumbing/Gas Inspector** Re: Nicholas/Poe Avenue Town-owned land. (He appeared before the Board previously about this land).

Mr. Johnson removed trees from property without realizing it was Town-owned land. He is building two, two-family houses. He put extra dirt and loam on the Town-owned property for storage and plans to remove it in a couple of months, unless the Town wants it removed sooner. Also when complete, he will have a substantial amount of gravel left and can spread it onto the Town property to make it neater and keep it free of weeds and vegetation.

Light poles are placed based on the lot lines on the map. The Board has no issue with Eric leaving the dirt and gravel on Town property until he is finished building.

*Jamie Underwood made a motion that portions of Lot Nos. 1, 3, 5 and 7 Nicholas Avenue of Town property may be used to store gravel and dirt through August 31, 2015, at which time the land will be returned to its original condition. Mike May seconded the motion; voted all in favor.*

### **Camp Harrington Update by Mike May:**

Mike May met with Sudbury Valley Trustees ("SVT") reps; they agreed to acquire the land in concert with the Town, using 501C(3) to hold conservation restriction and participate in flowing donated money on behalf of the Town to purchase through their 501C(3). They would partner with the Town on the land.

SVT is applying for various grants. Waterman Design of Westborough is providing a design concept to SVT this week. Proposal/design work is being funded by the Fuller Foundation. Then SVT will take the plan to their board on May 14. They will then present a draft agreement to our Board. In June, they would be looking for a full partnership agreement and go forward with the land acquisition or not. They would seek funding through private foundations and grants. They would need an operating plan going forward if the Town agrees on the plan.

Discussion was held regarding a purchase price. About \$500K (from non-profit grants) over the purchase price will be secured to make improvements, demolish buildings and upgrade existing facilities.

Mike May asked Parks & Rec to fine-tune some plans for the property.

This is a broad initiative; conservation/open space use primarily, with Parks & Rec use being secondary (a much smaller area). SVT would also like to link trails to a larger area of trails in Town.

Jamie Underwood asked about other properties in Town; is SVT still interested in a tri-town collaborative?

Mike May said they are. Jamie said he is still agreeable to moving forward with Camp Harrington, even if the tri-town collaborative doesn't happen. Mike said they are moving forward with Camp Harrington but they have some expectation of some agreement with the Town to move forward with the tri-town collaborative.

Jim Wood gave a reminder that we are not talking about contributing any Town funds to this. Mike May said it is 100% foundation, private and grant funding. This will take some time.

Theresa Prunier (in the audience) commended Mike May on his work and research. This could open up grant funding for maintenance and upkeep of the pond on the property.

**Library Trustees:** Present: Brad Barker, Rich Reardon, David Bottom and Sue and Gene Therriault.

David Bottom requested that, when the DPW building is completed, a plaque for Frank Reale be placed on the building.

Brad Wyatt said numbers were presented at the men's breakfast club but they would like to review and present them a bit differently. The tax impact on \$2.3M equals \$.27/\$1,000, average over 20 years. The Warrant Article of \$2.219M reduces it to \$.26/\$1,000 and will be presented on the floor. The first year it could be as high as \$.33 (maximum impact) then decrease to a low of \$.19 in year 20. It would average out to \$.26 over 20 years.

They will receive \$100K per year from the Fuller Foundation to apply to the first three years to reduce the tax rate. Jamie said we can't guarantee money over several years as a Town, that \$100K is going toward the bond, since that is the Trustees' money.

Mike asked if there is any way the Trustees can pledge the \$100K/year over three years in advance.

Stephen Madaus said you cannot have contingencies on appropriations, so, no, we can't have it as part of an Article. Mike May agreed; he just wanted them to refer to the pledge at Town Meeting and note its impact.

Jamie said also, if for some reason the DPW doesn't pass, FinCom will recommend a ten-year bond for the Library, which would increase the tax impact. He suggests they have those numbers available for Town Meeting, if needed.

The Trustees plan to project a Power Point presentation at ATM. Stephen Madaus said he spoke with Moderator Pojani and he would like anyone doing a presentation to reach out to him with details before April 29.

Brad asked if there was any way to discuss the Library and DPW articles together at Town Meeting.

Attorney Madaus said the Moderator indicated the articles will be separate but the tax impact of both projects could be presented jointly.

A brief discussion was held regarding the transfer of funds, etc., as of July 1.

Brad asked if this fails at Town meeting but passes at the ballot, then what would happen. Jamie said a Special Town Meeting would be held for appropriation of approved money.

#### **Report of Police Chief Sahagian to the Board of Selectmen:**

- Crime statistic were presented
- March 3 Chief conducted an inservice
- March 6 Chief met with dispatchers and Town regarding contract negotiations
- March 13 Chief was in Clinton for ticket hearings
- March 20 Met with a resident regarding a "license to carry"
- April 6 Two early morning car breaks (Cook and Dewey Streets)
- April 7 New law requiring headlights be on when operating windshield wipers carries a nominal fine, but is surchargeable.
- April 12 Suicide on Mill Road
- April 20 School Street unattended death. Missing resident still unaccounted for after several search attempts.

#### **Report of Fire Chief Flanagan to the Board of Selectmen:**

- **Response calls:** this has been a busy winter with a total of 170 emergency calls in the first three months; no significant fires.
- **The FY16 budget** was presented to FinCom with a zero percent increase in salaries and a very modest increase in expenses, based on an increase in fees for medication and a better representation of actual fuel costs. A transfer request from the Ambulance Receipts Reserved Account for \$167K was submitted to supplement the operating budget, \$40K for a new command vehicle and \$4,289 for the five percent match of the FEMA AFG Grant. An additional \$10K was requested for the purchase of replacement tires for all apparatus.
- **Audit review:** one question arose concerning the difference shown between the amounts billed for ambulance services versus the amount collected. The Fire Dept. has a set rate for ambulance services. This rate is set at the Federal Medicare rate plus 200%. Communities set this rate in an attempt to recover some of the lost funds associated with Medicare. Typically, Medicare pays about 45-50% of the billed amount and Federal law prohibits municipalities from billing the patient for any unpaid balance. Thus, the billed amount is typically much higher than the collected amount. The auditors suggested we modify our ambulance abatement procedure to include an explanation and review of "write-off" amounts and have that amount approved by the Board of Selectmen. Following discussion with the TA, it was decided to modify the procedure and have the BOS review and approve the uncollectible amounts every six months.
- **Training:** Several WPI students are currently working as EMTs in Boylston, covering night and

weekend shifts. At this time four WPI students are doing overnight shifts in Town. The Fire Dept. has offered some CP and EMS training for the WPI students and hopes to expand the number of students who are available to assist with coverage. Chief Flanagan will participate in a county-wide hazardous materials practice drill on April 14 in Charlton and will participate in a two-day technical rescue practical drill on June 8 and 9 as part of COMTRIS activity. The drill is designed to stand up technical rescue teams (approximately six teams) for a minimum of 24 hours to see how the teams can function and integrate with one another. Chief Flanagan will serve as a member of the Incident Management team for the exercise.

- **The new apparatus** is on track for late May-early June delivery. Once completed in Florida, it will be sent to North Attleboro for finish work.
- **Community Service:** The department, in coordination with the Council on Aging, is continuing with distribution of carbon monoxide detectors for senior citizens in Town as part of the Senior SAFE grant.

The Department will host the annual Wachusett Muster League Muster on Saturday June 13 in the center of Town beginning at 11:30 AM and running until 3:30 PM.

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

- **Equipment:** Continuing to make equipment repairs, including the sweeper. Roadside cleanup is in process; catch basin repairs and pothole maintenance continues.
- **Paving:** Steve Mero anticipates using Chapter 90 funds to pave Edgebrook (\$185K for 3,000 feet). Linden Street also needs to be done (two miles at approximate cost of \$600K). He suggests doing this in three phases; taking care of several smaller roads this year. \$306K will be due in Ch. 90 funds this year in addition to the approximately \$255K left from last year. Mile Hill Road, Cross Street and Green Street are all also in need of repaving and the Superintendent asked the Board what they prefer to do.

Mike May feels the end of Cross Street is a road issue as well as a safety issue; it is broken down in a few places and is a risk with busses trying to turn around. Linden Street is also in tough shape. He feels the main roads should take priority. Mike asked if asphalt prices are going down and Steve Mero said it is hard to say until we go out to bid. Steve said the worst part of Linden St. is from Central to Cross and we might be able to do that in addition to doing Edgebrook. Steve will take some measurements and estimate the cost.

- **WRAP Funds (\$30K):** Steve suggests guardrail replacement and line painting at School Street (\$8K) and Mill Road (\$10K).
- **Yard Waste Dump:** Spring dates are May 2 and May 16 from 8:00 AM to 2:00 PM. Only leaves and grass; no brush at this time. They will also hold an open house to tour the Highway Dept. on May 2.
- **Town House:** Carpet has been installed in downstairs room and the same carpet has been ordered for the halls upstairs and downstairs. Stair treads will be installed and carpet removed. Bathrooms will be painted.
- **Cemetery:** There were five burials over the winter.

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

- 18 permits were issued in the month of March; six new structures: five single-family homes and one duplex. Fees for the months of January, February and March totaled \$15,851. Tony asked if the Board would consider changing how permit fees are calculated. He recommends making some minor changes in fee calculations to prevent the loss of money. For example, roofing and window replacements are low. Also, commercial building should be more than residential fees. The Board asked him to show proposed changes at the next meeting.

#### **Ralph Viscomi (Planning Board Chair):**

Mr. Viscomi explained that the Planning Board voted at their recent meeting to claim a bond on the Compass Pointe development due to conditions being violated. They put out a notice on March 14, after multiple warnings and extensions. They sent a letter with deadline as the beginning of January to rectify the default. Due to the potential sale of the property over the past few months, they allowed time before deciding to pull the bond. The

sale fell through and the bank is putting the note for the project out to bid. Due to the amount of time this process will take, the Planning Board voted to act on the bond. Town Counsel has advised them through the entire process and they put a claim in to the bond company last week.

The bond company is requesting a vast amount of information (e.g., correspondence, meeting minutes, etc.).

We also need to provide the surety company with a primary contact. In the past this was handled by Town Administrator Nancy Colbert Puff. He is not sure how the bond company will settle with the Town: either pay money to the Town or take care of the work themselves and put out a bid to pave the road. Jamie recommends having an RFP written and ready to go should the outcome allow Town money to pave.

Mike May asked, regarding a contact person, about the legal ramification. Stephen said there would not be a lot of legal ramification, more of a business relationship decision. This is the Planning Board's decision. Mike feels Marty McNamara should be the representative; all are in agreement.

Marty said, regarding an RFP, we might not want to spend money to have documents prepared by Town Counsel if we don't know whether or not we will be using it.

Ralph asked Town Counsel if it is okay to contact the bond company to question their routine – do they typically pave or is payment made to the Town? Stephen Madaus said it is okay to contact and ask the question.

Mike May said that at some point the bank might want to intervene with the surety company if for example, they have a buyer on the note. Stephen said our only interest is to secure completion of the way without concern for financial interest of others.

Steve Mero asked who would be responsible for this and, if the developer comes back in to develop, would it ruin the road. Stephen said that's typically how subdivisions work during development. Steve Mero said to Ralph Viscomi that before any paving work is done, he recommends scope work on drainage be done.

Stephen Madaus said security is under subdivision control law which is the Planning Board's jurisdiction.

Ralph said this happened at Stiles Crossing where he lives. There was not enough money in the bond but corners were cut and the Town did not pay a penny toward it. If the bond is only \$200K, we only do work up to and including \$200K. Stephen said any road can be deteriorated by new building.

Kim Ames said whatever developer overtakes the property, the Planning Board will hold them responsible for any damages. Stephen said the Planning Board has done their due diligence, based on engineering estimates for the bond, etc. All was done in accordance with the subdivision control law. The problem is, the developer did not adhere to requirements.

#### **Business Marketing Committee** (Dick Prince present):

They received a proposal from the WPI student for \$7 to \$8K to set up a website to replace the current website to be completed by July 30, 2015. He said the current website was evaluated and found to be less than ideal and communicative toward businesses that may be interested in coming to Town. The BMC would like to redesign the website to make it welcoming and user friendly while also highlighting the Town's business possibilities.

Lori Esposito noted that the current website can easily be updated and modified, but the Town has not had the funds to do so. The website company is very able and can work with what's already there to improve it. Perhaps the BMC could invest that money into improving what we already have. Marty McNamara agrees, and noted that the website is only as good as the content created for it; who from the BMC would be providing information and updates to keep the site current? Mr. Prince said there is no one that can do it, we'd need someone from Town to do it. Marty said the problem is the Town does not have the manpower to have a dedicated IT/website person, and we do the best we can. Even if the website was improved, there still needs to be a BMC volunteer willing to create information and updating on a regular basis.

Mr. Prince would like the WPI student in at the next meeting for a presentation. The Board asked Marty and Lori to research possibilities for the current website in the meantime.

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

- ***The Governor signed the \$200M Chapter 90 bond bill.*** We expect to receive \$306,887 this year, which is \$201,295 more than last year. This is in addition to the \$30,689 received from the WRAP Program for repairs due to the harsh winter. The Highway Superintendent will present suggestions for both of these programs.
- ***Revenue Fund Balances*** for all departments have been prepared by the Town Accountant. Some funds have significant balances and the TA would like to determine if the funds continue to be needed or if they can be closed out. The TA would like to utilize some of the Cemetery Trust moneys for paving cemetery roads.
- ***Ambulance Receipts Reserved Account*** balance is lower than previously thought. As of December 31, 2014 the account had a balance of \$89,181.07. Estimating that another \$50K will be received in that

account by July 1, the balance would be approximately \$239K. There are Town Meeting Articles requesting transfers totaling \$211K, which would leave approximately \$28K in that account. The TA and the Chairman of the Finance Committee do not believe this is a real problem; however, the Board should be aware that we might not be able to use as much from this account as in the past.

- **Sudbury Valley Trustees Tri-Town Project.** Preliminary Title Reports from Town Counsel have been received. The Town has title to eight of the properties and one property is proving to be difficult. Copies of Town Counsel's email, along with a map, are attached. Stephen Madaus will speak with the title examiner regarding the status of the non-cleared title under the name of Hazard, Map 6I, #8, which bisects the SVT parcels.

Joe McGrath of the Conservation Commission has sent correspondence indicating he prefers not to have the ConCom designated as signatories on the State contract. Krista Collins of SVT has requested she be placed on the agenda for the next meeting on April 27.

- **The plowing and sanding of private roads** issue has been researched. The issue was brought to Town Meeting in 1985 where it was tabled. In May of 1986 it was briefly discussed at a BOS meeting where the Board asked that lists be prepared showing the private streets that could or could not be done by the Town. The June 9, 1986 minutes make reference to plowing/sanding private streets and the Board instructed the then Highway Superintendent to bill all of them. The August 4, 1986 minutes make reference to a list of private roads where the vote was according to the recommendation listed (no list can be found).
- **Compass Pointe Subdivision Bond.** The Planning Board has called on the bond company to fulfill its obligation to ensure the work is completed as required or to make the bond funds available to the Town to complete the work. A copy of Counsel's letter to the bond company is attached. We have made demand for the full bond amount of \$254,606.

#### **Annual Town Meeting Warrant/Budget:**

**Articles 15 and 16:** Should be sponsored by the Board of Selectmen. Should have copies for all voters available for documents on file with the Town Clerk.

**Article 28:** Questioned whether Parks & Rec is aware of this and is on board. The BOS said yes.

**Article 27:** Motion to include minimum sale price of \$34K, as determined by appraiser. Marty McNamara to confirm the number.

**Article 29:** Motion to include funding from all sources. TA to confirm numbers.

*Mike May made a motion to approve the Warrant as written with changes to Nos. 12 and 4 (typographical errors). Jamie Underwood seconded the motion; voted all in favor*

*Jamie Underwood made a motion to accept the budget as printed. Mike May seconded the motion; voted all in favor.*

*At 9:50 PM on a motion made by Selectman Mike May and seconded by Selectman Jamie Underwood, the following roll call vote was recorded to go into Executive Session under MGL c.30A, §21, ¶2 to discuss strategy with respect to negotiations with non-union personnel – the Fire Chief's contract and MGL c. 30A §21 ¶3 to discuss strategy with respect to collective bargaining – Dispatchers' contract. James Wood: Yes; Michael May: Yes; James Underwood: Yes. The Chair declared that they would reconvene in open session.*

At 10:13 PM open session reconvened.

*Mike May made a motion to ratify the terms agreed to as negotiated with the dispatchers for a one-year term, a 2.5% increase plus 50¢ per hour for the head dispatcher. Jamie Underwood seconded the motion, voted all in favor.*

#### **Teachers Union Representative:**

The School Department requests a designated Board of Selectmen negotiating representative be appointed.

*Mike May made a motion to designate Jamie Underwood to act as the Board of Selectmen's representative for the teachers' union contract negotiations. Jim Wood seconded the motion; voted all in favor.*

*Motion was made at 10:18 PM by Mike May to adjourn. Jamie Underwood seconded the motion; voted all in favor.*

The meeting was adjourned at 10:18 PM.

Respectfully Submitted,

Lori Esposito,  
Administrative Assistant  
Board of Selectmen