



Town of Boylston 221 Main Street, Boylston, MA 01505

Board of Selectmen Minutes 04/27/15

Date of Meeting: Monday, April 27, 2015

Location: Town Hall, 221 Main Street

Time: 6:30 PM – 9:36 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.

Report of the Town Administrator to the Board of Selectmen:

- **MEMA federal blizzard funds** will be made available to local governments in nine counties as a result of the blizzard of January 26-28, 2015. MEMA will hold briefings during the first week in May to explain the application and reimbursement process. Chief Flanagan will be attending one of those briefings; we hope to receive up to 90% of our costs for snow removal. We might receive \$50 – 60K.
- **Coalition for Responsible Retailing** has made a request that the Board take action to limit/help stop minors from purchasing and using tobacco products.
- **MLIA Credits** in the amount of \$10,723 have been received toward our premiums for Property and Workers Comp insurance for F'16.
- **Final Electronic Financial Audit and Management Letter** has been received. Hard copies will be provided to the Board as soon as received.
- **DOR, Division of Local Services Bulletins** regarding recently enacted legislation: One is the Winter Recovery Assistance Program. We have taken the necessary steps to participate in this program and have been authorized to spend \$30K on road-related issues. The second relates to Snow & Ice Removal Deficits. This allows cities and towns to amortize their snow and ice removal deficits over a three-year period. It also allows for a portion to be transferred to a special account in anticipation of the FEMA reimbursement. The TA will discuss any transfer with the Town Accountant and the Chairman of FinCom. The third bulletin offers some guidance with respect to the 2015 Transportation Bond Bill recently signed by the Governor. The bond bill gives municipalities additional funds for Chapter 90 road paving.
- **Local Government Advisory Commission**, established by the Governor, has issued a survey to municipalities to determine what state regulations, mandates and laws are negatively affecting our ability to effectively operate. Some 215 communities responded to the survey and information from the Commission is attached.
- **Mass Firefighting Academy:** The TA sat on a review panel at the Academy in Stow for students in the Firefighter III Training Class. This is made up of officers at various fire departments across the state. They had to complete a project and present it to the panel for review. Included on the panel was a member of the Board of Selectmen of the Town of Auburn, the Academy Director and me.

Selectmen's Meeting Schedule: Meetings will be held on July 13, August 17, September 14 and September 28. The schedule was approved.

Route 140 Sewer RFP: The draft is complete except for a discussion to expand to connect to Blackstone Valley Treatment facility as an option; they have reached out to us. The Marketing Committee feels we should understand as an option, if possible. Mike May will edit and return the draft to the TA for a final version.

SVT Tri-Town Program: Krista Collins present re: Tri-Town Program. A Conservation Restriction Agreement was presented to the Board for their approval.

Discussion was held regarding conservation restrictions (CR) on private land (Bressette) on Green Street (on left

going toward Northborough, behind the existing houses there). Jim Wood asked how this benefits the Town of Boylston. Krista said the way the CR is written includes public benefit (trails, public recreation, etc.). She would like to continue the trail system throughout Boylston. Much of it is wetlands, and not highly developable.

Jamie said hunting is not listed; will it be allowed? Krista said they are supportive of hunting but it's reserved as grantor's rights, not in the CR. Same as current.

Mike May said page 5 'Uses' do not match access on page 8 (#8); seems to be inconsistent. Krista said it allows them to control access for various reasons/times of the year.

Mike feels Boylston should be allowed, as other towns have, to have a say in uses, such as hunting. Krista said the difference is that this is private property versus town-owned land, which typically includes access for hunting in CR.

Mike said he is supportive of what SVT does but how do we get more certain we can have a right to hunt or other uses? Jamie asked how often uses were reviewed and under what circumstance would usage be restricted? Krista said, typically, dawn to dusk for passive recreation. For hunting, SVT would need to be contacted for permission. She doesn't think they regularly post it. When people are invited onto property for other uses, they need to be careful of public safety.

Marty McNamara said privately-owned taxable property will be taken off the tax roll, to be put on non-taxable, restricted use. Krista said yes; currently the landowner pays approximately \$40 a year.

Mike May made a motion to approve the CR on behalf of the New England Forestry Foundation, Inc. Jamie Underwood seconded the motion; discussion was held. Jim Wood said, to clarify, residents will be able to hunt on property by permission. Voted all in favor

Signed in agreement.

YMCA/Camp Harrington: Krista Collins provided update.

She saw a proposal from Waterman Design Engineers and will run it by the Land Protection Committee to move forward.

Timeline: Five weeks to be able to review; go to the full SVT Board in June to vote to collaborate with the Town to buy it and transfer to the Town. Ashley is looking into State Park Grant – can it go toward facilities versus land? They are looking into it.

Jamie said even if the Town has nothing to do with it, are they planning to pursue acquiring the land? Krista said no. Jamie said he doesn't think we will be in a position to promise anything.

The question was raised as to whether the YMCA is willing to wait and delay sale of the land. Mike May said he is meeting this week to discuss the matter with them. This is why we are working toward a draft agreement.

Discussion regarding potential plan with Parks & Rec, means of purchase versus accepting gift, etc.

Jamie wants to make sure SVT knows this cannot be linked to or dependent upon any other land or agreements.

Marty asked what SVT gets out of this. Krista said they are completely following the Town's lead at the request of Mike May to assist with acquiring the land. They have proposed extending the trails and tying into existing trails.

Mike said this is an overview but not in the plan; it's just an option that Waterman will share with us. Jim Wood asked if this would require a town meeting down the road. Stephen Madaus asked what the proposal specifically is. The Town was to purchase the land but now there are other interested properties via a 501C3.

Mike May said surveys within the Town came back overwhelmingly in support of the project. He asked the Fuller Foundation what their interest is in helping; they ran with it and paid for the plan to consider.

Parks & Rec has a preliminary plan to operate it as a camp. At some point everyone needs to vote on it. We all agreed to pursue it.

Jamie said it was agreed to look into it for 90 days. It has now been four months. If developed, it will become valuable taxable land. He doesn't want to see this project keep rolling along indefinitely. He would like to have a timeline and know exactly how long the Y is willing to wait. Then the Board needs to vote if they want to continue.

Jim Wood said there are a lot of unanswered questions and a long way to go. Jamie said the next step is to know how long the Y is willing to wait.

Annual Town Meeting Warrant Review: (Dennis Pojani, Moderator)

- 25 are required for a quorum at a Special Town Meeting and 100 are required for a quorum at the Annual Town Meeting.
- **Article 34:** May 11 election and two ballot questions (majority vote)
- Even if questions are defeated at Annual Town Meeting, ballots could pass they require an appropriation of certain dollar amounts at a subsequent town meeting.
- **Articles 1 – 14:** to be voted as a unit, as in previous years.
- **Before Article 15:** Dave Butler, FinCom Chair, is to make a presentation regarding the effect of all monetary

Articles on the Warrant. He will explain the difference between Free Cash versus Debt Exclusions, etc.

- **Before Article 29**: Dave Butler will explain the effect on the tax rate for borrowing of each article, separately and together.
- **Articles 15 – 23**: Brief review of the Articles.
- **Article 24**: Zoning Bylaw -- Richard Baker (present) to address inconsistency in the Town Bylaw; during 2010 Bylaw changes there were some omissions that need to be corrected. Restored to previous use. A two-thirds vote is required.
- **Article 25**: Richard Baker re: the solar bylaw. MGL protects solar facilities. Towns may not prohibit their use. A solar bylaw resolves the absence of use in our bylaws and defines what types of solar are allowed in various districts. He would like to make a presentation at Town Meeting. A two-thirds vote is required.
- **Article 26**: Sewall Street gravel pit sale. A majority vote is required. A 30B RFP would be required. Stephen Madaus said the 1949 deeds show this was not acquired by a taking or for a particular purpose.
- **Article 27**: (Mike May recused himself and left the room.) Sale of Hillside land adjacent to Elmwood Place. To begin the motion:

A two-thirds vote is required

A minimum amount is to be specified

The BOS needs to state its opinion that the land is no longer required for public purposes.

Stephen

Madaus said this parcel was acquired by taking, so it has additional requisites to make it available for sale, as outlined by Dennis Pojani.

Regarding the 30B property and a minimum price for it, the TA said he received two different estimates on the size and value of the property. Bressard: 5.4+ (\$45,400); Mayflower: 3.96 (\$33,350). He is not comfortable with either of the numbers and suggests we table it at Town Meeting. Both parties felt strongly that their estimates were correct.

Possibly we should wait until the fall Special Town Meeting, after we can have it properly appraised. Attorney Ricker said that clearly work still needs to be done so as to be certain about what is presented to voters. It is not worth rushing it. Dennis Pojani said to table is to consider it later in the meeting, to pass over is to not consider the article.

The Board agrees to make a motion to pass over at Town Meeting.

- **Article 28**: Parks & Rec to be changed from elected to appointed board, special legislation would be required. Karen Barber (present) said the board is aware of the Article; two do not agree and the other three did not say.
- **Articles 29 and 30**: (DPW building and the Library) Dave Butler will present the impact of the projects. Tax impacts per \$1,000:

DPW: 10 years at 2.5% would be 65¢ for the first year. Declines to 52¢ by Year 10

Library: 10 years at 2.5% would be 47¢ for the first year. Declines to 38¢ by Year 10.

During the first three years of Library borrowing, \$100K would be used from the Fuller gift, which would reduce the rate by approximately 16.6¢ per year (for either 10 or 20 years).

Both projects: 20 years at 3% would be 73¢ for the first year. Declines to 45¢ by Year 20.

Brad Barker (representing the Library) asked if it would be worthwhile to also break out the 20-year impact. This would be consistent with their presentation at Town Meeting. Dennis Pojani said we will leave that to FinCom. Brad asked why the Board of Selectmen is sponsoring the DPW building while the Library has to sponsor their own. Why isn't the DPW sponsoring their own building? Dennis Pojani said he wasn't sure. Marty McNamara said it was brought to the Board by Frank Reale along with a presentation. The Board of Selectmen authorized to proceed and then made up a Selection Committee to select a design engineer. Mike May said he feels sponsorship is irrelevant. Brad doesn't agree, saying it's a matter of perception. He feels the Board of Selectmen should be neutral. Jamie Underwood says he personally supports both projects. Some questions will be asked at Town Meeting and they will voice their opinion then.

8:34 PM – Recess. Meeting reconvened at 8:44 PM

Chapter 90 Funds/Paving:

- Steve Mero presented estimates and options. The total available funds are \$561,917
- Linden St: \$418K (Central St to Mile Hill Rd)
- Mile Hill Rd: \$120K (Route 70 to Linden St)
- Edgebrook Dr \$184,250 (from East Temple to Sewall St)
- Cross St \$222K (from Central St to Linden St)
- A brief discussion was held regarding the needs and status of the roads.

Jamie Underwood made a motion to spend 2015 Chapter 90 funds on paving Linden and Mile Hill. Mike May seconded the motion; voted all in favor.

- Steve Mero said all roads are not included in the total at the DOT district office. They have 39 miles on file; we have almost 60 miles right now.
- Two Cynthia Drive residents approached Steve regarding damage from winter plowing. Jamie said it was not our crew who knocked over the fence. It wasn't hit, it was actually lifted by a loader and moved onto the front lawn. Steve said it was a New York crew working in the Cynthia Drive area. It was suggested that Steve contact the residents and get estimates for repairs/replacements and the Board will revisit the issue when costs are determined. Lori stated that, depending on the estimate, the Town's insurance might cover it.
- Mike May said a resident has complained about the status of the tennis court. Trees are falling into his yard, the fence is falling down, steel posts are sticking up, etc. He asked Steve to address what he could. The Board is in agreement.

Town of Berlin: The Berlin Board of Selectmen sent a thank you letter for the use of our ambulance for two days in March.

Senior Transportation:

Jim Wood said a resident approached him about the Town providing a vehicle for seniors to use to go to doctors' appointments. Volunteers drive but they don't want to use their own vehicles. Jamie Underwood said he got in touch with a "senior connect" group that only does regional grants (CMRPC). They will be in touch with him for options. Jim also reached out to Representative Naughton.

At 9:10 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. James Wood: Yes; Michael May: Yes; James Underwood: Yes. The Chair declared that they would reconvene in open session only to adjourn.

Motion was made at 9:36 PM by Mike May to adjourn. Jamie Underwood seconded the motion; voted all in favor.

The meeting was adjourned at 9:36 PM.

Respectfully Submitted,

Lori Esposito,
Administrative Assistant
Board of Selectmen

