



Town of Boylston 221 Main Street, Boylston, MA 01505

Board of Selectmen Minutes 2/22/16

Date of Meeting: Monday, February 22, 2016

Location: Town Hall, 221 Main Street

Time: 6:00 PM – 10:17 PM

Members Present: Chairman James Wood; Michael May; Jamie 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.

Finance Committee: Dave Butler, Karen McGahie, Howard Drobner and Seth Ridinger present. The Committee has not yet met with other departments. They will review the Board of Selectmen's budgets tonight.

BOS Administrative Assistant Salary Increase: An increase of \$4,100 has been requested due to new management necessary for administering the new Town website, designated as Website Administrator.

\$5,000 Tuition Reimbursement: Pending; has not yet received Board of Selectmen approval.

Healthcare and Pension: There is an increase of 7.9%. Regarding insurance costs, Mike May asked if we have ever had analysts in to explore our costs and program options. The Town Administrator said we have not recently but several years ago there was discussion regarding the GIS plan; the Insurance Advisory Committee voted to keeping the present insurance and employees paying more.

Unemployment: No increase requested, but we are currently over budget due to school employees.

Electricity: Increase of \$5,000 due to Boylston Electric prices increasing.

School payments: Dave Butler recently discussed with the Town Administrator and the Town Accountant lease payments for the school department. Berlin writes a check which goes into the Hillside account. A \$19K credit for the region should be scheduled; it does not get paid directly into the Hillside account. We can request a check instead but would need to fund the school budget an additional \$19K. We could also move money into the account but that is less transparent. Mike May said his concern is if a \$19K check is requested, would it force the school department to leave. It might be a tipping point. The Town Administrator said the Town Accountant just told him tonight that \$19K was not credited last year, due to the Finance Director not being aware of the process.

Pay Schedule: There will be two extra days from FY'16 going into the FY'17 pay (26.2 pay periods). Fiscal 2017 will be one day (26.1). Dave Butler said this always happens; the Accountant should be able to make adjusting entries. Mike May said the Accountant should be transferring money as a year-end entry. We never had problems previously; Dave Butler will discuss with Town Accountant.

Report of the Fire Chief to the Board of Selectmen

- They have had a 20 to 25% increase in EMS calls.
- Christmas morning there was a pipe leak at Tower Hill causing significant damage.
- 2015 summary: 158 fire calls, 445 EMS calls, 272 inspections, 380 burning permits issued.
- FY'17 budget submitted totals \$504,578. This includes the lease payment for the ladder truck but does not account for any money from the ambulance reserve receipts.
- The used ladder truck was sold to the Town of Webster for \$2,000.
- A \$2,460 grant has been received for a mobile laptop computer in Car 1.
- The Chief applied for a \$60,000 grant for replacement of the air compressor at the fire station.
- They have three additional students from WPI for the intern program and one Anna Maria College student.
- The department received reaccreditation (see report "REPC").
- The department hosted the National Continued Competency class here at Hillside.
- The Chief has been asked to speak at the Annual Irish Fire Chiefs Conference to be held in Dublin Ireland the first week in May. He will speak on the State's fire mobilization plan and how mutual aid resources are used in Massachusetts. Travel and accommodations are being paid by the Irish government.

- The department will again sponsor the annual District 8 Safety and Survival Seminar at the Manor in West Boylston on Friday, June 17.
- The Chief has completed and refiled paperwork to FEMA for reimbursement for expenses from the 2015 winter storms. The figure (\$31,577) is still subject to review by both FEMA and MEMA but it appears will be approved. The Chief began the process in June 2015.

Mike May asked Chief Flanagan if he runs any educational CRP/First Aid training through the WPI students for the High School. The Chief said the Health Department at the High School handles CPR and First Aid certification, while the Fire Department offers whatever help is necessary.

Report of the Building Inspector to the Board of Selectmen

- DPW building is on schedule; the footing is in and walls will go up tomorrow.
- Four new single family homes being built. Compass Pointe has eight permits out (two included here) with 12 remaining to be permitted.
- January building permit fees collected were \$10,274; electric permits were \$1,700 and plumbing/gas and mechanical permits were \$1,111.

Mike May asked if a large commercial building comes into Town, is he able to deal with inspections or do we need to be looking for support from the Planning Board. This would be a half million square foot distribution warehouse. Tony said the Planning Board would account for it in a 53G account if it is a complicated project. Stephen Madaus said an inspection review agreement is also an option used by some towns.

6:55 PM: Hearing: Other Place Pub

The Board previously approved a request for Change of Manager. The request was rejected by the ABCC, because additional business changes are also required in this situation. An adjusted application for consideration for Change of Manager, New Chief Officer/ Director and Transfer of Stock was submitted. There were no questions from the audience and none from the Board.

Jamie Underwood made a motion to approve the change of manager. Mike May seconded the motion; voted all in favor.

Mike May made a motion to approve the new officer/director. Jamie Underwood seconded the motion; voted all in favor.

Jamie Underwood made a motion to approve the transfer of stock. Mike May seconded the motion; voted all in favor.

Report of the Town Administrator to the Board of Selectmen

Salt shed: The TA has requested that Representative Naughton try to get us \$150K in state funding for the salt shed at the Highway garage. This would enable us to reduce the amount of free cash requested.

Gough House: An estimate of \$3.4 Million for renovation of the Gough House to meet the needs of the School Department leasing it was presented to Mike May and the Town Administrator by representatives of the restoration project. This figure is out of our reach even assuming Assabet work could realize a 60% savings. Subsequent to that meeting, the school department is leaning toward using available space at the Elementary School. Jim Wood said he would not want to ask the Town for money to support Gough House renovations.

Cell tower RFP: There has been no response to the RFP for a cell tower on Mile Hill Road.

Solar energy: The TA met with Select of Shrewsbury. They appear very interested in the possibility of installing solar panels on the Town Hall and Elementary School roofs. They will discuss the issue with the Light Department. The TA asked if there is any interest in this by the Board; the Board agrees to hear what Select has to say and the TA will have them come in to address the Board.

Traffic lights at Tahanto: Mass DOT has agreed to install flashing pedestrian and speed warning lights on Route 70 near the school.

General Fund expense: The TA provided an updated report stating we are in pretty good shape for spending and balances so far this fiscal year.

Board of Health nursing services: A Memorandum of Agreement with the Town of Sutton for shared nursing services is being presented to the Board. The Town of Sutton has similar agreements with several other towns and the Board of Health is good with it. Town Counsel has not had a chance to fully review it and will provide edits and comments to the Town Administrator.

Jamie Underwood made a motion, subject to changes by Town Counsel, to enter into an agreement with the Town of Sutton for shared nursing services. Mike May seconded the motion; voted all in favor.

Mass DOT bus service: TrueNorth Transit Group, LLC in cooperation with MassDOT has begun a bus service from Worcester to Northampton via Fitchburg and Orange. They are required to provide documentation that each town through which they travel has given them permission to do so. If you approve, the Chair may sign the last page.

Mike May made a motion to approve transit through Boylston by TrueNorth Transit buses. Jamie Underwood seconded the motion; voted all in favor.

Council on Aging van purchase: The money for the van is available but the WRTA is holding up the purchase, thinking Boylston does not need its own van. At a meeting with the WRTA, they suggested we donate an old van or split a van with Northborough or try to get the funds reallocated away from WRTA to another entity, which can then give the money to Boylston. Representative Naughton does not want to do either of these because the money is in the budget and by law the WRTA must execute the funds. Following the meeting we involved the Department of Elder Affairs and they are going to get MassDOT involved to pressure the WRTA to execute the funds. Senator Harriette Chandler has also become involved. If the WRTA does not begin the process of purchasing the van for Boylston by June 30, the end of Fiscal 2016, the money will go to waste.

Dennis Goguen of the COA (present) asked what WRTA's need assessment was for Boylston. He is frustrated with the process. The TA said they are basing it on how many people use the service: approximately three people. Jamie Underwood said we also need trained drivers and money to manage it. The TA said that once we get the WRTA to agree to purchase the van we will then review with the COA their needs. Concerning fees, the TA asked if this would be a free service. Ozzie Sauer thought maybe a \$2 fee. Jane Meegan stated it is currently \$.50 for destinations in Boylston and \$1.25 out of town.

Conservation Commission (Joe McGrath): Mr. McGrath is proposing an Annual Town Meeting article on behalf of the Conservation Commission ("Con Comm"): to see if the Town will transfer custody, control and management of Town-owned property to the Con Comm. He provided a map of parcels in the general area of Mile Hill Road. There are no buildable lots and they are all non-tax-paying lots. Once the property is in Con Comm. stewardship, they will complete a deed transfer survey and provide the state with a land-use plan and include it in Open Season Recreation. The Con Comm. has money set aside for this purpose. Additional lots without clear title might also be presented for transfer at a later date.

- Jim Wood asked if there would be any restrictions on the property. Joe said that will be determined after hearings are held and they have heard potential possibilities; possibly trail systems, etc. There is no list of specific restrictions other than no motorized vehicle access. Jamie Underwood asked if hunting is allowed. Joe said they are not planning to ban hunting but would need to coordinate it with any trails that might be established. Surveys might be done via Con Comm. funds, Tri-State Surveyors, etc., but there is no cost to the Town.
- Stephen Madaus said Article 97 (of the State Statute) restricts any purpose other than open space and recreation. Jamie said currently there are no restrictions but once deeded to Con Comm. they would likely apply restrictions. Joe said that with any use of the land right now, the Town is liable for any accidents, etc. By putting the land under Con Comm. custody it protects the Town from liability by determining approved uses.
- Mike May said conservation is a logical option but he feels there would be extreme sensitivity to warrant article language and it should include defined restrictions and allowed uses. Residents would be more likely to support it. Mr. McGrath said Article 97 states the Town does not lose control. Jamie said there are motorcycle and snowmobiling trails existing on those parcels and he would not support restricting those. Jim Wood said it would be a tough sell to add more restrictions to Town-owned land.
- Mr. McGrath said Con Comm. has no intention of putting severe restrictions on the land and would put none on without the appropriate hearing process. Mike May said that during the taking of Hillside, certain uses were protected. Joe said he is concerned about putting restraints in the Article contrary to Article 97, which could possibly cause it to be rejected by the Attorney General's office. No other towns included use language. Stephen Madaus said the Board of Selectmen wants to ensure certain uses are permitted; most would qualify as open space/recreation already included in Article 97.
- Jim Wood has a problem with restrictions and Mike May agrees with the conservation of land but feels the need to work out a plan that's not restrictive and allows uses. The Community does not want to see signs like those that on DCR land, e.g., reservoir property. Joe said Con Comm. does not make regulation; they would need Town Counsel's opinion on what could be listed as uses.

Report of the Chief of Police to the Board of Selectmen:

- **Crime statistics** were presented.
- **Chief's schedule:**
 - December 8 In-service training attended
 - December 15 Met with Tower Hill rep regarding traffic control
 - December 18 Ticket hearings at Clinton court
 - December 29 Hosted Representative Naughton's meeting with police chiefs.
 - December 30 Interviewed with West Boylston dispatcher; offered job next day. Currently 3:00 to 11:00 shift
 - January 7 LTC, met with resident
 - January 3 Dangerousness hearing in Clinton court
 - January 20 Site visit for Flagg Street extension for Planning Board
 - February 2 Officer Ryel appointed to force
 - February ATV citations issued
 - February 8 E911 training grant requested from the state; \$10K received for equipment and training
 - March 6 Stu's race is coming through Town; detail officers are in place. It will run down Route 140 to School Street, through the center of Town to Clinton.
- **MassDOT signage:** A French Drive resident has questioned the road names on the sign at Route 290 and Church Street; feels it should be Central Street, not Church Street. MassDOT will look into it.

Agricultural Commission: Jim Ricciardi, Gigi Stowe, Jim O'Toole, Judy McAuliffe and Tricia May appeared before the Board. They would like to place an article on the Warrant for Town Meeting. Approximately half of the towns in Massachusetts have an Agricultural Commission and Right-to-Farm Bylaws. They have been placing ads and spreading word to garner support. They have had lots of positive feedback from residents. Jamie Underwood suggests choosing a reasonable number of board members and term length in order to sustain a working board. They will submit draft articles for establishing an Agricultural Commission as well as a Right to Farm Bylaw, and get it to Lori Esposito before the warrant article deadline.

Pleasant Hill Farms: Mike Melville appeared to represent Pleasant Hill Farms residents in the development consisting of 42 single family homes on Maple Way and Pleasant Lane. The Greater Worcester Land Trust ("GWLT") purchased seven acres, approximately six lots in their neighborhood. They have branded the area as Elmer's Seat a recreation area, with a large sign near the Ferullo's back property line. This would attract unwelcomed guests to the neighborhood. Cars have been seen at night, some from out of state. There are reports of people trespassing onto residents' property. They are creating a fear of allowing children out to play with strangers around. Although this is designated as a recreational area, there are no trail use signs posted, or hours of use, or regulations. All trails start at junctions of GWLT and a homeowner's property. There is no waste disposal or lavatory facilities.

The GWLT website claims Elmer's Seat as its first property in the middle of a neighborhood and is "experimental." The photo on the website shows a resident's child's playground set in the background. Residents are concerned this could attract child predators.

- Jamie Underwood spoke with Mr. Novick at GWLT today, who was not aware of all the issues. The land has been surveyed, markers were pulled. They paid to have a resident's shed moved and says they are trying to do this specific to the neighborhood and kids. Trails have existed long before homes were built, and they would like Boylston residents to be able to use the trails.
- Laurie Levy of 23 Pleasant Lane asked, if this is meant for Boylston, why they are advertising on a website as well as statewide and national data bases. Janie said they own the land and can do what they wish with it. GWLT is willing to meet with residents. Laurie said she sent a letter and emails and never received a response. She also asked for signs to be moved and hours assigned for usage but GWLT is not responding. Also, brush is growing into sidewalks and they will not allow residents to maintain it.
- Martine Ferullo said a man was near her house at 6:30 AM and she has also seen alcohol near the trails.
- Mike May asked who gifted the land. Jamie said Pulte sold land to Pleasant Hill LLC, who sold it to GWLT for \$100. Laurie said HOA did not mention house number, only lot numbers. All lots were to be part of

HOA. Should GWLT have to be part of HOA? Martine said there are seven to eight houses within 100 yards of the sign; she had been working with Alan Fletcher.

- Stephen Madaus said the property was deeded in 2007, too late to claim violation of development. An argument could be made that the intent of the lot was residential. As a Town the only restriction on property use is zoning. Non-profit educational use is exempt from zoning restrictions, and GWLT might fall under this use. Martine would like the sign removed and would like to know if a parking restriction can be put in place to prevent people from out of Town accessing the trails.
- Jamie will call tomorrow and try to set up a visit to the net meeting.

Security Monitor Holdings LLC ('SMH') Attorney Richard Ricker representing Mike May was present to discuss purchase of land by SMH abutting SMH's property and Elmwood Place. Mr. May recused himself from the meeting and left the room.

- Mr. May wants a Warrant Article for SMH to purchase abutting land. Egress would be allowed to the Town; a purchase at appraised value was proposed. SMH would pay for the appraisal.

Stephen Madaus said a two-thirds vote is required. Jamie asked if an easement or right-of-way would achieve needs. The new DPW building is to be located adjacent to Elmwood Street. Stephen Madaus said an easement would also need Town Meeting approval. A citizens' petition is to be submitted for the purchase, since the Board does not want to sponsor the article.

The parcel will be re-surveyed after the pillars, and an appraisal will be done on the reduced parcel.

9:20 PM – Recess called

9:30 PM – Return to Open Session

Gates Property: A brief discussion was held regarding the possibility to expand Town House parking by purchasing the Gates parcel that abuts the rear of the Town House lot. The Board agrees to look further into the purchase possibility and the cost. Mike May asked if the salt shed would stay once the DPW moves. The TA said it will but it needs repair. The Fire Chief would like to use it for storage of equipment being stored elsewhere. Parking will be increased once the DPW trucks are no longer parked there. Jim Wood will get more details on the Gates property.

Tuition Reimbursement Policy: A draft policy was presented to the Board by Lori Esposito, as previously requested. Jim Wood said he was not interested. Mike May thinks it is not a bad idea for employees to want to better themselves but he would like it to be available to the bargaining unit and contracted employees as well. Jamie Underwood is not in agreement with reimbursing for tuition and doesn't feel the Town can afford to budget \$5,000 for it. He also thinks no policy is needed, since currently only the Treasurer is receiving tuition reimbursement as an agreement when she was hired to obtain her bachelor's degree.

Union Negotiating Representatives from the Board:

- Police Union: Jim Wood
- Dispatchers' Union: Jim Wood

At 9:45 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 ¶2 to discuss strategy with respect to negotiation of non-union personnel: the Police Chief's contract. James Wood: Yes; Michael May: Yes; James Underwood: Yes. The Board agreed they would reconvene only to adjourn.

At 10:17 PM Jamie Underwood motioned to adjourn. Michael May seconded; voted all in favor.

The meeting was adjourned at 10:17 PM.

Respectfully Submitted,

Lori Esposito,
Administrative Assistant to the Board