



Board of Selectmen

Date of Meeting: Monday, January 30, 2017
Location: Town Hall, 221 Main Street
Time: 6:30 PM – 8:16 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.

Appointment to Human Resources Administrator: Lindsay Katz

Several people had applied for the HR Administrator's role and the Town Administrator felt that Lindsay was at the top of the list. He recommended to the board to appoint her to the position. *Mike May motioned to approve the appointments. Jamie Underwood seconded the motion; voted all in favor.* She will begin on Monday, February 13th.

Collins Center was in last week to begin the process of our HR Audit. She will be contacting Department Heads to conduct interviews as part of the audit process.

Report of the Town Administrator to the Board of Selectmen:

- ***Human Resources Administrator Position:*** Approximately 22 resumes came in for the position, and I brought in several candidates for interviews. We had some very good candidates, but one stood above the rest. I recommend that the Board appoint Lindsay Katz to the position. Lindsay is a Boylston resident and she has a number of years' experience in the HR field. She is currently an HR Service Center Specialist with Fallon Health.
- ***School Department:*** There is a letter here from the Tahanto Teachers Association. The Towns of Berlin & Boylston alternate a member of the BOS to be a part of the negotiations team. It is Boylston's turn and the Superintendent is asking for a name of the member that will be representing the Board. To my knowledge, there are no meetings scheduled at this time. *Jamie Underwood will work with the School Department if any meetings arise with the negotiations team.*

There is also an informational copy of a letter sent by the Berlin School Committee to Mass Housing opposing a housing development project near the Berlin Memorial School. An interesting point in the letter mentions using the property as the Districts Central Office. In addition to this comment, I have heard that the School Committees are looking at possibly converting classroom space at the Boylston Elementary School for that same propose. We have been hearing talk of the possibility that the Police Academy may move out of the space upstairs.

If in fact the Police Academy does move, the second floor of this building could be prime space for not only the School's Central Office, but for our Police Department as well. As the Board knows, the current space used by both of those groups is less than optimal. This may be the time to at least begin some dialogue, and maybe even the time to establish a committee made up of School Personnel, Police Personnel, and the BOS to study the possibility.

- **Two ABCC Notifications:** One is an advisory regarding the recorking of wine. The second is a copy of an email from Patricia Hathaway announcing her resignation as Chairman of the ABCC, and thanking Local Licensing Authorities for their work.
- **Charter Communications:** Notified us that their rates for various services will be increasing again. Customers will see these increases in their next bill. A copy of that notice is included in your packet.
- **Collins Center HR Audit:** I met with Mary Aicardi from the Collins Center regarding the HR Audit and Compensation/Classification Study. Mary and her group are scheduled to begin interviews with the Department Heads the first week of February. We expect the projects to be completed by May.
- **Verizon:** We received notification from Verizon regarding the licensing of attachments to poles. They identified a number of poles in town that they contend have unlicensed attachments, and they are requesting we sign an agreement on those attachments. They attachments they list are either Fire Wire or Fiber. I have forwarded the information to Mark Barakian and Joe Flanagan for their input.
- **Budgets:** In your packets are copies of some revised copies of budget information for your binders.
- **Senator Harriet Chandler:** The Senator will be holding office hours here in the Selectmen's Chambers on Monday, February 6th beginning at 6:00 PM.
- **Finance Committee:** The Finance Committee is meeting tonight in a sort of organization meeting, and to receive their budget binders. They will be beginning their Budget Deliberations with Department Heads on Monday, February 6th at 6:00 PM
- **FedEx TIF:** There is some information in your packets regarding the TIF that FedEx will be meeting with you on this later on this evening. Including a copy of the initial letter and a string of emails between them and me.

There is also a copy of an email Chief Sahagian sent to area Police Chiefs to notify them of a change to the Boylston Police Radio frequency.

I have also provided you with a copy of the Draft Agreement for the Inter-Departmental Transfer of Real Property that was drafted by counsel. That issue will be discussed later tonight.

Hwy Superintendent's snow and ice budget is down to \$17K and he wanted to ask for permission to overspend that budget. It is the only line item in the budget that can be legally overspent. He has been out 16 nights this year for sanding and the forecast is calling for several smaller storms. *Jamie Underwood motioned to allow the Highway Department to overspend the snow and ice budget for FY17; Mike May seconded; voted all in favor.*

Thomas Martiska from BOA is also on the Cable Advisory Committee and stated that he wasn't sure, but the wire on the poles that Verizon mentioned in the TA Report earlier may be town cable TV wires that run from TRMHS to the Town Hall, and from the Library to the Town Hall. There were some special connections that were put up, but he wasn't sure where or how they were installed. He would have to look into it further to see if they really were our wires.

Appointments to Board of Assessors: June Bianchini

Margo Richardson would like to appoint June Bianchini to the Board of Assessors. She was on the Board before and has much knowledge. She will have to retake Assessors 101 course because she has been off of the Board for around 10 years. She will have 2 years to take the course. This appointment will be to fill the remainder of Tom O'Connor's term, until Town Elections are held in 2017 and the seat can be filled again. Tom was the only voting member in attendance at the meeting. The BOA had voted to appoint June in a previous meeting, the BOA would supply the meeting minutes to be included in our minutes for this appointment as this is a joint appointment from the BOA and the BOS. *Mike May motioned to appoint June Bianchini to the Board of Assessors; Jamie Underwood seconded the motion; voted all in favor*

FedEx TIF Proposal: Jennifer Fitzgerald from Duff & Phelps and Jason Belanger from FedEx Local Operations

Brief presentation was given to BOS members. A letter had been sent to Chairman Wood back in November but after speaking with TA wanted to get together with entire Board. Brief history on FedEx Ground as a company was given

- Founded in 1985 as RPS Branded, rebranded as FedEx Ground in 2000
- Headquartered in Pittsburgh, PA
- Average daily volume of 7.5M packages
- They provide services throughout the United States and Canada
- Revenue in FY16 was \$16.6B
- There is 36 ground hubs and over 500 pickup and delivery stations plus 34 FedEx Smart Post Distribution Centers in the US

The proposed Distribution center would be a relocation to Boylston from Auburn and Northborough. This would be a consolidation and added new volume as well. 362,000 sqft. building on Shrewsbury Street on 107 acres. Duff & Phelps works with FedEx Ground in considering sites like this across the US. There is internal competition on capital and return on investment. So it is customary that FedEx reviews opportunities such as TIF and the Economic Development Program Grant through the state of MA.

FedEx would like to commence construction in February, 2017. Operations would commence in August 2018. FedEx Ground is looking to commit to a 15 year lease with the Developer. Developer's Acquisition Costs are \$8.8M, Building Construction at \$70M, and Machinery & Equipment at \$14M for a total of \$92.8M. The employment and wages are FedEx employees only (25 FT and 122 PT)

Jennifer and Jason are here to answer any questions that the BOS may have and to ask for the BOS assistance and participation in the project in consideration that FedEx would like to seek the Economic Development Program Grant from the state, and in doing so the state requires that the local community participates financially as well by granting a TIF.

Mike May stated that the BOS is pretty familiar with the project having worked extensively over the last 18 mos. and is highly supportive. There is an appeal on the project, he asked Town counsel if there was a projected timeframe as to when that appeal might be settled? Town Counsel was not certain on the timeframe. There is an effort but he is not sure if it would be resolved this week. Mike May would like to see that process handled before the town begins any work on a TIF process. He wants to make sure we have a live project. There is an abutter who has appealed the Planning Board's decision to approve the project and all the parties involved are in the process of settling the appeal. Jennifer would like to proceed with the TIF proposal as if the appeal is going to be settled. Mike is unwilling to do that yet. It doesn't make any sense to put any more hours into the project unless we know for certain it is going to go forward. What number, what asset are they looking for a TIF agreement on? Jennifer stated that they were looking for the TIF on the real property values. She understands that it can be either on real or personal property, or both. Their initial inclination was for the real property. If the town wants to structure it on the personal property, that is fine too. They are seeking a TIF on the building construction, the \$70M. Mike May stated that is completely counter to what all the representations that Scannell has made to the town. Scannell stated that they would not be seeking a TIF on the building at all, only on the contents. There seems to be a disconnect between Scannell and FedEx. The town came to the table and made no asks from Scannell, no supportive investment in the town based on the fact that they were not going to be asking for a TIF on the real property. That was an understanding on the front end. They did reserve the right to come in and ask for a TIF on the machinery and equipment. Stephen Madaus stated that it was his understanding that if you entered a TIF agreement then the personal property was exempt. If you are a certified project, and you have to be certified in order to enter a TIF, then you are exempt from the personal property. The town's authority to tax comes from the legislature and it is all governed by the general laws from the DOR. So the program is with the EACC they approve the project as a certified project and then with town meeting approval we can enter into a TIF agreement, which would be on real property taxes. You have to have a minimum of 5% TIF if you enter into a TIF agreement.

Mike May brought up that the town has asked and received funding from the state for road mitigation work on the rte. 140 corridor. They were advised from Scannell that they would not be seeking any TIF monies on Selectmen's Mtg 01.30.17

the building and as a result of that the town did not ask anything from the developer. The location has wonderful access to rte. 140, 290 and the Mass Pike. It is a great location but we are a small town of 4,000 people. The town has a 95% residential tax base. This project was welcomed with open arms and viewed as meaningful to the community because the tax revenue that is to be generated would benefit the town. Jennifer stated that what they are looking for and what they are estimating was a 5 year TIF of a value of \$1.3M, using the real property as the catalyst. Mike asked if she was suggesting that there is flexibility with their ask or if they are looking to have the entire TIF front end loaded. FedEx would prefer that it was received up front but their point is within five years, it is not 100% of the tax base, it is only up to 50% over a five year time frame with a declining rate. So the town would receive 100% after the 5th year. It is still new tax revenue to the community, and you would be receiving that revenue for the life of the building.

Chairman Wood felt that they were getting ahead of what was going on here. The town was told that there wasn't going to be any ask for a TIF, so the town didn't ask anything from FedEx. He stated that we have a nice small town here and that they need us more than we need them. You are asking for a TIF when we were told that that was not going to happen. Secretary Ash had been in to speak with Scannell and the town and Scannell's attorney said that they were not going to ask for anything from the town. Jennifer said that the attorney was representing Scannell, not FedEx with that statement. Chairman Wood also said that after Scannell's attorney stated that they wanted nothing from the state, the Town of Boylston went to the state themselves and procured \$500K to help with rte. 140 traffic mitigation to assist with the increase of traffic that will be associated with the project, at no cost to Scannell or FedEx. For FedEx to come in at this point looking for more, after everything the town has done to help with the project already is not appreciated. Mike May said after one years' worth of work from the town on the project for FedEx to come in now and ask for a TIF, the town would have approached the project differently if they had known upfront that this was coming. There was iron clad, on public record statements that were made by Scannell stating no TIF will be asked for. Now the town was prepared to come to some agreement on the personal property and since town counsel has stated that that is not legally feasible the Board would be willing to work something out with FedEx to come in alignment with what that amount would have been, but it is not going to be anywhere near the 50% tax revenue that they are looking for. The Board has worked very well with the project up to this point and wants to see it be successful, but we are going to have to sit down and work hard at getting to a firm number. The town was looking at a TIF on \$14M, not \$70M.

Mike May also stated that the head count is higher than Scannell initially stated to the town, which is not a problem. Mike May wants to get everyone on a conference call to have discussions and come to some sort of an agreement. Jennifer said there is \$500K that has been requested and approved from the state for traffic mitigation. Mike let her know that a neighboring town asked for and received from Scannell up to \$350K for their own traffic mitigation and it was given to them. So if the town was aware that this was going to be asked the conversations with Scannell would have been much different. Jennifer asked if there were any additional dollars, Mike said no monies have been asked for by the town. Jennifer needed clarification as to where the \$500K had come from, the BOS let her know it was from the state. She then said that the Town of Boylston up to this point has had no out of pocket expenditures for the project. Mike May said the Town of Boylston has and will continue to incur out of pocket expenditures for the project. Significant dollars. That roadway has 22,000 vehicles that travel it every day. We have as a town already spent years bringing water all the way up the street and has set all the necessary infrastructure in place to set a commercial district up on rte. 140. Hundreds of thousands of dollars has been spent by the town to have this all set up for a development like FedEx to come in and build. So the question is where do we take it from here? Jennifer said that FedEx has not signed the lease with Scannell. So, she knows that is still part of the discussion. The TA asked for the number that FedEx was looking for for the TIF and Jennifer stated it was \$1.3M over 5 years, which is effectively \$260K per year. That would leave the town with just over \$1M in new revenue every year for 5 years before the TIF agreement would be over. Jennifer was trying to understand what the problem is since this would be all new revenue for the town. FedEx would like for the money to be front end loaded, but it doesn't necessarily have to be set up that way. Mike May said the BOS is not unwilling to have a discussion, but it has to be in a reasonable way and FedEx needs to know where the town is coming from as well. The towns ask is that we have a firm, flat number that is put into place in a way that doesn't hurt the town. It is not fair for FedEx to come in and take the benefit for all of the work the town has done in year one

and two. Jennifer asked when these discussions took place since she sent out a letter to the town in November. Mike explained that for over one year, he has been involved with every meeting with Scannell. And expressed that the town wants to get this project completed. He wants Jennifer to talk to Scannell with the information she now has from the town and have a conversation with them. If Scannell wants to come back with an offer to the Town to make us whole, we will listen. There needs to be some sort of exchange, Scannell told us no asks. Both parties have agreed that they want the project to move forward and will regroup and talk about this again soon.

Stephen Madaus asked if they had talked yet with MA Office of Business Development. The Central Region position is believed to be vacant right now, and that is the office that would be certifying projects and should be the person that Jennifer contacts. Jennifer's colleague may have already reached out, she wasn't sure.

Stephen asked if there would be more of an investment interest from FedEx if there was a TIF agreement on the project. Jennifer stated that it is still an incentive program from FedEx's viewpoint, they have not yet signed a lease with Scannell on the property.

Jennifer is going to follow up with Marty and then they can schedule a call with Scannell.

Conservation Committee: Joe McGrath

Town Counsel drafted an Agreement For The Intra-Departmental Transfer Of Real Property in regards to the Conservation Land that was voted on in town meeting held in May 2016. The agreement was drawn up on request of the BOS in an attempt to get in front of any improper use of the transferred land in the future. Joe wanted to see if there were any questions from the BOS. Joe's only question is should they revise the agreement so it is generic enough to use on future land transfers, or leave it as it is written. If it is left as written than it is only applicable to the specific properties that are listed in the agreement, and new agreements would need to be written each time there is a land transfer in the future. Discussion ensued on what the definition would be for "passive recreation". Article 33 that was passed by the town has a broader spectrum of use than what the agreement has. There really isn't a legal definition for the phrase "passive" recreation that can be found therefore many other conservation committees have come up with their own definitions.

Mike May inquired about existing trails that are on the property and the Mass Fish and Wildlife ruling that was recently passed that is requiring trails to be abandoned for natural reclamation of the land to occur which would make it better for hunting and fishing to take place. Joe McGrath knew of the ruling and clarified that that is only for state owned land and that the reason behind the drive for that ruling to be passed was due to land owners and abutters to state owned conservation land clearing trails to conjoin state land to private conservation lands and to public conservation lands and the state had concerns about that. Mike May inquired if some of the existing trails connected to some of those lands? Joe McGrath said no, not where we are with these parcels.

Stephen Madaus said passive recreation means to him that you are not altering the land in any way. For instance installing soccer fields that would be active recreation.

Joe McGrath passed out his draft proposal that was created based off of previous conversations and feedback received from the BOS. The proposal if accepted would be used going forward to transfer real property from the town to the conservation committee. There are several examples in the draft of acceptable passive recreation activities. What they are trying to avoid is people going out and arbitrarily starting fires on the land. They also do not want people to go onto the land and cut trees down or plant foreign species of vegetation. They want it to be carry in, carry out usage. No wooden charcoal fires, but propane/butane gas grills would be acceptable for picnicking. A list of recreation activities was provided as a basis to get conversations started. State Law would always trump general regulations.

Discussion ensued on specificity of the agreement. Should it be more general or specific to each parcel with regulations specific to each parcel? Joe McGrath did not think that the regulations would differ that much

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because the parcels of land they would be looking to acquire would relatively all fall within the same criterion.

Chairman Wood wanted to know in ten years from now when there are all new board members, what if anything could change from where things stand now? Joe McGrath explained that with the inter-agency agreement that has been drafted if there were any changes made by ConCom that the BOS did not agree with there is a recourse. So far in the State of MA there have been no contention issues once land has been turned over to the conservation committees. Discussion ensued about the legalities involved with the transfer of the parcels and the usage regulations for the parcels and how to protect the land in the future. All agreed to make the agreement more generic so that it may be applicable to future parcels of land that may be considered for transfer. The BOS would remain as tax title custodian for the transferred properties. The BOS is OK with Joe starting the process of writing up a usage agreement for the parcels and to begin circulating that with other departments for feedback.

Selectmen's Meeting Minutes: The minutes of December 19th and January 9th were presented for approval. *Jamie Underwood motioned to accept the meeting minutes as written with the addition of Delphic & Associates stating that the propose 40B housing development would most likely not have more than 20 school aged children ; Michael May seconded; voted all in favor*

At 8:16 PM Jamie Underwood motioned to adjourn; Mike May seconded; voted all in favor.

The meeting was adjourned at 8:16 PM.

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

Meeting Materials

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| Agenda | On file in Board of Selectmen's Office |
| BOS Meeting Sign-In Sheet | On file in Board of Selectmen's Office |
| TA Report | On file in Board of Selectmen's Office |
| Lindsay Katz Resume | On file in Board of Selectmen's Office |
| Superintendent requesting BOS rep for Teacher's Assoc. Bargaining | On file in Board of Selectmen's Office |
| Berlin letter to Mass Housing | On file in Board of Selectmen's Office |
| ABCC advisory on recorking of wine | On file in Board of Selectmen's Office |
| Patricia Hathway Resignation Notification | On file in Board of Selectmen's Office |
| Charter Price Increase Notification | On file in Board of Selectmen's Office |
| Verizon Light Pole Attachment Notification | On file in Board of Selectmen's Office |
| FedEx TIF Request Email | On file in Board of Selectmen's Office |
| Interest in TIF Letter to Mr. Wood | On file in Board of Selectmen's Office |
| New PD radio frequency notification | On file in Board of Selectmen's Office |
| BOA Meeting Minutes 1/9/17 | On file in Board of Selectmen's Office |
| Agreement for the intra-departmental transfer of real property | On file in Board of Selectmen's Office |
| Meeting Minutes Draft 15/19/16 | On file in Board of Selectmen's Office |
| Meeting Minutes Draft 01/09/17 | On file in Board of Selectmen's Office |