



Board of Selectmen

Date of Meeting: Monday, May 22, 2017
Location: Town Hall, 221 Main Street
Time: 6:30 PM – 8:10 PM
Members Present: Chairman James Wood; Michael May; James Underwood; Marty McNamara, Town Administrator; 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.

Reorganization of the Board of Selectmen:

- *Jaimie Underwood made a motion to keep James Wood as the Chairman of the board; Michael May seconded the motion; voted all in favor.*
- *James Wood nominated Jaimie Underwood to Vice Chair; Michael May seconded; voted all in favor*
- *Jaimie Underwood nominated Michael May to the position of Clerk; James Wood seconded; voted all in favor.*

Light Poles and Boylston Image up Rte. 140: Mark Barakian; Municipal Light Dept. Manager

Michael May feels that with all of the new construction along the rte. 140 corridor this would be a good time for the town to take a look at how we would like the road to look going forward. Should we have utilities above ground, or possibly be considering putting them underground and wanted to ask Mark Barakian his opinion on the subject. Rte. 140 serves as a great entrance into Boylston from Shrewsbury via rte. 140 and is a main gateway into the town. We should take the time to consider how it appears and any special signage we would like to consider welcoming people into the town. Mike wants to know if the Light Department has a long term vision for the corridor. Mark said that the original plan coming up rte. 140 by Dunkin Donuts the lines actually cross the road towards the DiPilato property, go up and then cross back over by about where the entrance to the FedEx facility is going to be. The plans show that they are going to widen the road so those poles are going to have to be moved back close to 10 feet possibly on both sides. Mark's vision was rather than the wires crossing over and crossing back, I was going to run poles up the right hand side of the road into Shrewsbury. That would be the West side of the road. Mike felt it would not make sense to put the wires underground up the street from DD because you would have to back up overhead again. The cost to put it all underground would be a lot. The biggest obstacle is Verizon and Charter, where they are already overhead - unless someone is going to pay for them to go underground, they are not going to just do it. Similar conversation in West Boylston at causeway where they wanted to put the utilities underground and the cost was \$500K. Mike felt that is a unique engineering situation there and we have construction currently going on here in town. Where construction is already occurring can we ask those parties to step up and bear the burden of some of that cost? The difference between residential going underground is that everything is basically already laid out in the development, you bury the utilities and it is done. Rte. 140 you could, but where you have a lot of overhead transformers that you need to put under the ground and open undeveloped lots, know if someone comes in later and wants to build on the undeveloped lot how do you get power to that lot? That would mean cutting into the conduit that is already there and adding in a new termination point. Can it be done? Yes, but it is a lot of money. Mike posed a question to Mark asking what if FedEx wanted to put the lines underground. Would it be better for them to be underground? Mark said it would be if you were working in a straight line. The problem is that you would be underground to a certain point but then you would be above ground. Mike would like Mark to come up with a rough number per foot for what it would cost to put utilities underground as new construction is developed. Mark said he would come up with a figure but it

would be difficult, because you would have lines going up, down and up again. Discussion ensued as to what has Shrewsbury done on this issue. Mark is going to look into it and gather some information for the board.

Parks and Recreation Appointment: Kevin Prendergast

Bonnie Johnson motioned to have Kevin Prendergast be appointed to the remainder of Tina Potenti's one year term; Maple Stopelki seconded; voted all in favor.

School Committee Regionalization Subcommittee Discussion: Matthew Lozoraitis, Lorie Martiska, and Angela Yildiz

They are here as a subcommittee that is focusing on the potential to amend the regionalization agreement to incorporate the two Elementary schools. The current structure is set up into four districts. There is Tahanto, Berlin, Boylston, and the Superintendence Union which is a structure that allows one Superintendent to oversee the other three districts. The committee up to this point has conducted two feasibility studies over the past three years. Neither were definitive in conclusions, both had limitations and had assumptions, but information was provided that has been helpful in the process. The school committee would like to move forward now with broadening the exploration to include key stakeholders. That is why they are here to see the BOS, they are looking for people to help them explore this further over the next year. Why now you may ask? The inefficiencies of our current structure are enormous. For example we are in the midst of negotiating a new teacher's contract for the region. That has to be done three different times. This results in a significant time investment and is not necessarily adding value. Almost all report that is due for the state has to be filed into three separate reports. Grants that are applied for are specific to each of the districts and sometimes that causes flexibility issues. For instance there may be grant funds available in one that could be used in another district but you don't have the flexibility to do that. At school committee meetings you have to open and convene three separate times and take three separate sets of votes and keep three sets of minutes. It is extremely cumbersome. One of the biggest concerns the school committee has with these inefficiencies is that they take time from productive educational pursuits such as curriculum, educational improvements, more efficient deployment of educational resources, and more flexibility.

Another significant concern over the last fifteen years is the stability of leadership. We are pleased where we are right now with Nadine and the current leadership that she has recruited, we do not want to see that change. Over the last four to five years the committee is very unified, there is a great sense of focus. Due to that it allows the leadership to think this is a good point in time to address amending the regionalization agreement. There would be modest monetary savings due to the regionalization effort (transportation costs, bonus aid, health insurance cost). The assessment methodologies that is ultimately used will determine if one community pays more or less over time. Some costs that are currently in the municipal budget will shift to the regional budget. For example, health insurance. The committee feels that eliminating the above described inefficiencies will lower costs over time.

What is the process? We are organizing a committee that will meet on June 8th at 7:30. They are inviting members from the BOS, FinCom, Planning, School Committee, parents, teachers, and representatives from the general community. We want to make sure we provide every opportunity from people to voice their concerns, support, or questions. After the committee is assembled they would like to schedule some listening sessions to give people enough information to know what we are talking about and gathering community feedback. The goal of that is to help us to determine a) feasibility b) make sure that the committee understands concerns that need to be addressed. If it is determined through the listening sessions that there is a desire and the support from the community is there, they would then provide one more round of community educational feedback, and then propose specific amendment language. That language needs to be approved by DESC. Then it would need to be approved by the school committee, and it would proceed to town meeting in May for approval as well. The school committees would be effected immediately, as an interim school committee. The financial aspect doesn't go into effect until one year later, 2019. So we are seeking someone from the BOS that would like to help with the committee. Seth Ridinger has stepped forward from FinCom.

There is not a huge cost reduction anticipated. This would not be the course to take if you were solely seeking a reduction in cost. The overwhelming response that the committee has received from other districts that have done this is that there is not huge increases or decrease, this more or less tempers the costs. There will be areas where the removal of the redundancies will help the districts. This would also help the elementary students be all on the same baseline as they come into the middle school. Chairman Lozoraitis feels that this is the right time for this feasibility study to occur because the school committees are all in agreement that this would be a good path for the districts to take. It would be a step forward.

Mike May said putting the inefficiencies aside, your core purpose is to educate kids. As you go through these listening sessions and start formulating your plan I think it is imperative that you speak to the fact that you can produce an end result in the education of the kids that mimics the excellence that you have achieved at Tahanto. I think that you are going to have to provide assurance that there is no degradation of the education in the process. Effectively at the end of the day you are going to live and die by that. It is not the budget that will bring you down, it will be the parent's fear that their children's educations may suffer that will put a stop to your efforts. Make sure that that is at the top of your list, that people understand that the time and complexity of the districts as it now stands detracts from your key resources. Lorie very much appreciated Mike's feedback. She feels that they are all coming from that perspective but the very fact that Mike brought that up shows that that is not being communicated. The goal in tackling the inefficiencies is that the time that is wasted on duplication can now be devoted to improving the educational experience of the students.

Chairman Lozoraitis stated that as they have tried to formulate a mission. They have always believed that first, it is about academics and taking the leadership that they currently have in place and retaining it. There is a cost associated with replacing folks and there can also be a setback with that so they would like to avoid that from happening. They also recognize that the towns are always on tight budgets. They knew that the studies would have to show that at least they would not be causing excessive increases and that would be generally well received by the town. And then there is the core goal of academic excellence.

Jaimie thought one of the biggest hurdles would be getting the two elementary schools onto the same page. In the past they were not able to get the two teachers unions together because of the salary discrepancies and that their contracts run on different cycles. Lorie said that whatever changes are made in the contracts do not have to be done all in the first year. You can phase it in over several years. That is part of the first interim year is negotiating new contracts. Lorie introduced Angela Yildiz from the Berlin School Committee. Angela wanted to add that they have tried to be very streamlined with their structure and she felt that their admin have done a phenomenal job with that, however, the tri-meetings proves to be inefficient. She asked Jaimie to clarify what he meant by a baseline K - 5 educational packet. He said he would like to see a straight curriculum in BES and BMS that is exactly mirrored in both schools. Otherwise, when you get to the 6th grade you are not in the same place education wise.

Mike praised the school committee for tackling this issue and trying to move forward to streamline the system that is currently in place. He encouraged them to find any place where they would be able to find dollars and make sure that they are saving money in the process anyway that they can. Lorie thought it would be a good idea for the different committees to be conversing and sharing how we bring value and how their costs compare to each other. The committee has been looking at other communities who have gone through the process to glean information from them. They are not trying to reinvent the wheel. At some point they would like someone from the BOS to participate in the committee. All information requests will go through Cheryl Nelson. No other communities at this time are looking to be incorporated into this amendment. Mike thought it would be helpful if the school committee formulated an opinion on that in case things happen in the future. Stephen Madaus asked if the expectation was to formulate a whole new two town regional school district agreement. No. This is an amendment to the existing agreement. He thought it might be easier to draft an all new agreement. The Superintendent spoke up to add that around five years ago they amended the original agreement so it has all the new regs and so forth. And in the following November both towns agreed to expand the regional agreement from 7-12 to 6-12. So all that language is already in there. It's not a new region, it is just expanding the region they already have. Lorie introduced the new committee member, Jim Spencer.

Heywood Street Residents:

The following residents asked to come in and speak with the Board: Pani Amaresh, 4 Heywood Street; Marie Phillips, 5 Heywood; Kevin Domingues, 2 Heywood; Erica Domingues, 2 Heywood; Haniyah Terlaje, 6 Heywood. They were looking for information on how Heywood Street which is currently a private way could be turned into a public road accepted by the Town of Boylston. Haniyah spoke for the group, she has been a resident on the street for a little over a year now. She knows that the street has been around for quite a while and was initially recognized as a private road, but she said the group feels that now there is a full street of residents they should be able to move forward with the road becoming recognized by the town as a public street. The residents didn't really sign up for the street to remain as a private way. It is very dirty, full of pot holes, and in really rough shape. Traveling is a challenge as well as keeping their cars and homes clean. So they would like to revisit the situation now that they have a full street of residents.

Marie has been there for over ten years and said over ten years ago Don Parker suggested that Jim Casey and herself widen the road and have it graded, which they did. Stowe's came in and laid down a nice crushed stone and the street was in good shape. A water pipe needed to be enlarged and the road was dug up, Marie went back and forth with the TA during this process. The TA was in touch with the builder. Clark & Mott came in and dug up the water pipe and from there it was the builder's responsibility to have Clark & Mott come back and they did not. It has progressively gotten worse since then. The TA did reach out to Mr. Vinnicassa and very much like he did at Compass Pointe he promised the world but did not address the issue. He didn't do what he was supposed to do at Compass Pointe and we had to get a bond payout for that project and unfortunately he did not post a bond for this project. The road is very bad, the town recognizes that but there are laws and regulations that govern how a private road can become a public way.

Marie said she has been before the Planning Board previously they suggested that the residents on the road create an association and then propose it to be a public way. She is thinking that they would need to get a variance because it is not 20-30 feet wide and the town may want drainage and where would that go... Realizing it is not any easy solution she is open to suggestions. The town does plow the road, however, it is in such a poor state the town may not be able to plow it for much longer if it continues to deteriorate. The roadway is about 450' long, 15-16' wide. The town's minimum requirement for a roadway to be accepted as a public way is 22', most of them are around 24'. The road has to be put into a condition that meets the standards before the town can accept it as a public way. Unfortunately, that responsibility lies on the residents of the street. Mike asked if they have brought anyone in to price it. Clark and Mott said it would be around \$25K for them to come back and grade and pave it. A second quote was procured for \$24K to grade and pave on the existing width. Unfortunately, that would still not be up to town standards. The TA said it would be a waste of time to do the work if the road is still not going to be up to town standards because the roadway would not be accepted by the voters at town meeting. Mike said there is a benefit in value if it is a paved, public road. So there would be a value that would be received by the homeowners in return if they expended the funds to improve the roadway. Maybe it would be worth it to ask a realtors opinion. The residents don't understand how the Planning Board can approve this project without someone approving and overseeing the project to make sure it is in accordance with town standards.

Stephen Madaus said there is a statute that says if you live along a way there is a right to install utilities and your abutters cannot stop you from installing them. But you can as an abutter to the way say that the work that they did hurts the passage, therefore you have a claim against that contractor. A lot of people live on private ways and each of you own up to the center line of the way, and you have rights to make improvements to the way. You can do that collectively or individually. If you created an association and agreed to pay a percentage to make improvements and then live happily on the private way. In order for the town to consider accepting it has to know what needs to be done to bring it up to standards. If the town does the improvements than it will assess betterments because it cannot spend public funds for private betterment. If you did all the improvements yourself and the town accepts the road you are free of liability for the way like you are now subject to. There are no additional lots on the bottom of Heywood Street.

Pani wanted to know why did the town name the street if it is a private way. It is deceiving because he feels it leads the homeowners to believe that it is a public way. Jaimie said the town needs to name the streets so that emergency vehicles know where to go in case an emergency occurs. It seems that the developer opened an old paper road and built homes. The developer seems to be running from accountability and keeps changing the name of his LLC to avoid accountability. Residents are concerned about no hydrant on the street. Isn't there a law about that? They do not feel comfortable even though there are 2 tankers on the FD that hold adequate amounts of water. Discussion ensued on available lots and what is buildable. Pani brought up another problem with the shape of the lots. The way that the lots are shaped now, abutters own each other's driveways. The frontage goes right in front of each other in the shape of a triangle. You cannot put up a fence because it will be on the neighbor's property. Kevin and Erica's water main shut off is located on their neighbor's property. Unfortunately there is nothing that the town can do about this. Mike May suggested to them that their tax appraisal values should be lower than a house that is on a public street. If it is not they should talk to the appraiser's office. After the taxes are issued you have 30 days to file for an abatement on the property. Marty suggested that if they did any work on their own it would be cheaper than if the town was to do it. A resident complained that they feel like they are not getting any help from the town departments. They went to the Planning Board and did not receive much assistance. Eventually their lawyer got involved and they were given an easement to access their own property. Stephen Madaus said that the town does not oversee improvements done on private lots. So if you put driveways outside of the bounds, if the builder doesn't stick to the plans that have already been approved by the town unfortunately there is not much the town can do at that point. Marie asked if it would be possible for the town to give them an estimate if Chapter 90 funds were used for the betterments so that they could have a comparison. Marty said they could do that. Stephen said there is also a law on the books that says the town can improve the street to a lesser standard and the residents can live on an improved way and then are assessed for the costs associated with the work. The Town Administrator said he will work with the Highway Superintendent and see what he can come up with. He can get costs to approach the project in different ways. Mike May said you may need to do some things legally before improvements could be made by the town because of the frontage and lot line issues that were discussed. If the road is "fixed" but not brought up to standards it would not be able to be accepted as a public way, but it would still be able to be plowed. Stephen discussed different ways that improvements could be done to the roadway. Ultimately, they will need a plan that will outlay how changes would affect each of their lots and determine whether they are left with buildable lots or nonconforming lots. The MGL laws used to prohibit any expenditures of public funds on private ways, but then they loosened up the restrictions too allow towns to plow on private ways, and to make certain improvements like improving drainage and certain things but not converting it to a public way. That kind of intermediate level. That may be the way to go. Maybe a quote from a Chapter 90 contractor already working in town for a lesser degree of improvement be a competitive price rather than another contractor that would have to gear up and get out on site. Marty will look into getting some numbers together.

Report of the Town Administrator to the Board of Selectmen:

- ***Gravel Pit RFP:*** The Sewell Street Gravel Pit RFP was advertised on Wednesday April 19th. We received four requests for the package. The deadline for submittal of proposals is Monday, May 22 at 11:00 AM. I will provide the information on the bids at the meeting on Monday.
- ***Consulting Services Grant:*** I have been notified verbally that we received the \$15,000.00 Grant from Mass Housing for Consulting Services to the ZBA regarding the proposed 40B Project off of Sewell Street. I am now awaiting notification that Joseph Peznola has agreed to be our consultant. Once I receive that notification, I can schedule a training session for various boards/commissions.
- ***Fire Chief Contract:*** In your packet is the new 3 year contract for Fire Chief Flanagan. He has signed off on it and we now need your signatures. *Jaimie Underwood motioned to accept the Fire Chief's three year contract as written; Mike May seconded; voted all in favor.*
- ***Financial Audit:*** Also in your packet is a copy of the Management Letter related to the recently completed financial audit. The Accountant and I are waiting for the Board of Assessors to respond to the

items related to their office. Once received, we will then send in the Town's responses for inclusion in the letter.

- **Taxpayer Assistance Program (TAP):** Several weeks ago the Treasurer, Accountant, Assessor and I met with the DOR to develop a work plan under the Taxpayer Assistance Program (TAP). The work plan establishes dates by which certain milestones in the tax setting process are achieved. We set some very aggressive dates and if all goes as planned, we would have our tax rate set by 9/28/17.
- **Barnard Hill:** In your packet is an email I received from Mr. Manter of the Planning Board regarding the pledge made by the developer of Barnard Hill to improve the intersection at School Street and Cross Street. The Planning Board is looking for direction on what the BOS would like to see done.
- **Bills in the Senate:** We have received information that the bill that would allow Chief Sahagian to work past the age of 65, and the bill allowing the BOS to sell the parcel of land on Elmwood Place have both passed in the House and are waiting for Senate action. I have reached out to Senator Chandler and asked for her assistance in moving those bills through the Senate quickly.
- **Food Pantry:** The group that runs the Food Pantry downstairs has asked to be on your agenda for the next meeting to discuss moving back to the area they used prior to the Library coming here. They have been asked to be notified before anything is done with that space.

I just want the board to be aware that we (Bob Bourassa, April Steward, and I) have had discussions about temporarily moving the COA office to that space.

The current situation is not at all appropriate. If the Coordinator is discussing financial, medical, or other matters with someone in their office or even on the phone, anyone making copies or getting a cup of coffee is within earshot and can hear the entire conversation. We feel that the COA needs an area that is private. In addition, if the room is set up properly with a conference table, various meetings could be held there when other space is unavailable.

- **MCPPPO Licensing:** I want to let the board know that April Steward has passed her third procurement exam at the Inspector General's Office. She is now eligible to be an Associate Procurement Officer and once she completes three years as an Associate she will be eligible to become a designated Massachusetts Certified Public Purchasing Officer (MCPPPO). This is a big deal, and will be very helpful when doing RFP's and for all purchasing needs of the town.
- **Town Administrator Vacation:** In your packet is a tentative schedule of days I will be taking vacation.

Selectmen's Meeting Minutes: The minutes of April 10 were presented for approval. *Michael May motioned to accept the meeting minutes as written; Jamie Underwood seconded; voted all in favor*

Chairman Wood brought up the sign coming into town that states that the town was established in 1785. That needs to be changed to 1786. He also inquired about the Boston Post Canes. They are still at Guertin's Graphics having the plaques add to the side of the canes. There is a Proclamation that came from the Governor that he would like to have read at Memorial Day. The Veteran's Agent is not able to do the reading. Mike is going to give April the name of a Tahanto graduate that is going to be entering the military. April will reach out to Joe Larkin and arrange for the graduate to read the Proclamation at the town common after the parade is over. Lions Club sign at corner of Rte. 70 and Rte. 140 to be dedicated to Bob Shaughnessy.

At 9:18 AM, 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(a) ¶3 to discuss strategy with respect to collective bargaining with the newly certified Highway Department bargaining unit that was certified by the Commonwealth of Massachusetts Department of Labor Relations on or about September 29, 2016 at DLR Case No. WMAM-16-5418; James Wood: Yes; Michael May: Yes; James Underwood: Yes. The Board agreed they would reconvene to open session only to close.

At 8:27 PM Jamie Underwood motioned to adjourn; Mike May seconded; voted all in favor.

The meeting was adjourned at 8:27 PM.

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

Meeting Materials

Agenda	On file in Board of Selectmen's Office
Meeting Sign-In Sheet	On file in Board of Selectmen's Office
TA Report	On file in Board of Selectmen's Office