



Board of Selectmen

Date of Meeting: Tuesday, October 10, 2017
Location: Town Hall, 221 Main Street
Time: 6:01 PM – 8:24 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 6:01 PM.

Financial Warrants were signed in agreement.

Pledge of Allegiance was recited.

Special Town Meeting Warrant Review: Joint Meeting with Finance Committee

Dennis Pojani, the Town Moderator, came up front to be included in the review. Bill Manter from the Planning Board came forward to discuss the Planning Board Articles.

Article 1 contained improved definitions of dwelling units. This Article is sponsored by the Planning Board

Article 2 contained an amendment to the existing Section 5, *Senior Residential Development*, of Zoning By-Laws Section 5.03.04.A. This Article is sponsored by the Planning Board

Article 3 contained an amendment to the existing Section 5, *Senior Residential Development*, 5.03.04.C; and inserting a new subparagraph to Section 5.04.07.A. This Article is sponsored by the Planning Board

Article 4 also contained amendments to Section 5, *Senior Residential Development*, of the Zoning By-Laws. This Article is sponsored by the Planning Board

Article 5 is asking for an amendment to the *Schedule of Use Regulations*, Section 4, Subsection 4.02.02, of the Zoning By-Laws. This Article is sponsored by the Property Owner.

Article 6 is looking for a rezone change for a portion of the property located at 85 Sewell Street shown on Assessor's Map 17 as lot 39. This Article is sponsored by the Property Owner.

Article 7 is to see if the town will authorize the BOS to petition the General Court for the enactment of special legislation to authorize the town to acquire and issue an additional 3 licenses for the sale of all alcoholic beverages to be drunk on the premises. This Article is sponsored by the Board of Selectmen.

Article 8 is asking the towns authorization to dispose of by sale, a parcel of land shown on Assessors Map Parcel 10. This Article is sponsored by the Board of Selectmen.

Article 9 is asking for the town's permission to acquire land consisting of three different parcels located in the area of Rt. 140, School St., and Cross St. for the purpose of creating a roadway to connect Rt. 140 and School/Cross Streets. This article also asks for the transfer from available funds in the treasury to appropriate a sum not to exceed \$150K for the purpose of acquiring the land and to pay for any engineering costs associated with creating the roadway. This Article is sponsored by the Board of Selectmen.

Article 10 is to see if the town will support a land swap of a 1.0692 acre parcel from the owners of 595 Main St with a .3845 acre parcel of town owned land located at 599 Main Street. If approved at town meeting it will need legislative approval from the state. This Article is sponsored by the Board of Selectmen.

Article 11 is to see if the town will authorize a transfer from available funds in the treasury to appropriate a sum not to exceed \$30K for the purpose of installing a Fire Detection System in the Fire Department Building and to update the Fire Detection System in the Police Department Building. This Article is sponsored by the Board of Selectmen.

Article 12 is to see if the town will authorize a transfer from available funds in the treasury to appropriate a sum not to exceed \$3,600.00 for the purpose of replacing Police Department portable radio batteries and microphones. This Article is sponsored by the Board of Selectmen.

Article 13 is to see if the town will authorize a transfer from available funds in the treasury to appropriate a sum not to exceed \$4,400 for the purpose of purchasing two sets of structural firefighting turnout gear. This Article is sponsored by the Board of Selectmen.

There was much discussion on the Planning Board Articles. There will be a Hearing on their articles on Monday, October 30th. Any further discussion can take place at that meeting.

Vote to ratify the Highway Contract: Special Town Counsel Corey Higgins

July 17th the BOS had looked at the recently negotiated Highway Union Agreement for ratification vote and it was brought to the BOS attention that there were differences between what the BOS was going to ratify and what the bargaining unit had voted on back in May. Subsequent to that, Marty and Corey met with the union's bargaining team to go through the perceived differences in the agreement and there is a difference between the two versions. The main difference is in Article 8 on wages; in the union version there was a reference to the parties preparing a compensation schedule that would be acceptable and that was subsequently deleted by the town. September 21st they again met with the union and told them that they would present the current version to the BOS for consideration, recognizing that there is a difference in the two versions. Ultimately, the BOS has the decision to accept the contract or not. Chairman Wood asked for clarified that there is indeed two separate versions? The answer is yes, the version that was voted on by the bargaining unit was not the final version and the version the BOS has now is different. Chairman Wood would not vote in favor since the versions are different. Jamie Underwood and Mike May would not vote in favor either since the versions are different. Chairman Wood asked if he heard a motion to approve; hearing none the matter was closed. Mike May felt it was important for the record to reflect that the board didn't act based on the difference in the two documents.

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

- *Crime Statistics* were presented.

The Chief wanted to reference an article that was in the paper and online a while back that talked about different MA communities and the violent crime rates. We were not in the top 10 or the bottom 50. We have .13 violent crimes per 1,000 residents. All of ours fell within the domestic violence prevue. Our town is still a very safe place to live, work, and play.

- *Chief's schedule:*
 - Aug 28 IOD Officer back on duty
 - Sep 12 Meeting at WB Town Hall referencing RT. 140 reroute for the drainage project
 - Sep 13 Made a video with BES referencing evacuations and fire drills
 - Sep 19 Meeting with TA about Tower Hill traffic
 - Sep 20-21 Attended Chief's training in Norwood
 - Sep 25 Tahanto ALICE drill
 - Sep 25 Drug turn in disposal in Haverhill
 - Sep 26 Met with Ken Cleveland in reference to a multi-town article concerning school bus safety and individuals passing busses when red lights are in use, vehicles following too close, and dangerous intersections in town
 - Oct 2 Made a video at TRHMS to go out to parents referencing evacuations and fire drills
 - Oct 12-19 Vacation
 - Oct 25 Area town promotion board for Sergeants being considered for Lieutenant
 - Oct 29 BPD Halloween party from 5:00PM -8:00PM at Town House
 - Oct 31 BES Halloween Parade at BES

Recommendation for Halloween hours Tuesday, Oct. 31 from 5:30PM – 8:00PM
Officers are attending local training when available

Mike May told the Chief that the Town Wide cleanup is scheduled to be this coming weekend and that the state is preventing the group from doing any cleanup along Rt. 70. If any cleanup is needed on Rt. 70 then we are to call the state and they will have a crew from the Worcester County House of Correction come and they will do it. We are all set to do the cleanup along Rt. 140.

Report of the Highway Superintendent to the Board of Selectmen:

- Roadside Mowing
- Patch holes several areas
- Installed new street signs
- Attended monthly WCHA meetings
- Catch-basin repairs
- Weekly mowing on going
- Tree removal on Stiles Rd. and Cross St.
- RT. 140 drainage ongoing (underground one more week, start on basins)
- Mike Kelly new hire from July accepted a job in Westboro. Last day is Friday, October 13th
- Line painting is completed
- Compass Pointe sidewalks were completed and water problem on Compass Circle was reclaimed and repaved. Top coat and structures will go out to bid in spring.
- Chapter 90 work to begin Monday, October 16th – Green St. to Cross St.
- Yard Waste hope to have drop off on October 28th.

Cemetery:

YTD Interments:

- 16 Full Burials
- 8 Cremations

Prep for paving a couple of roads in the cemetery is done. Hope to pave next week.

Report of the Town Administrator to the Board of Selectmen:

- ***Rand Whitney Meeting:*** On Thursday evening, September 21st, Selectmen May and I met with Mr. Nick Smith, President & CEO of Rand Whitney, and Mr. Ted Fire, Vice President of Construction & Development for the Kraft Group. We discussed the parcel of land off Rt. 140 that is owned by the Kraft Group. They informed us that as a result of a letter sent to Mr. Kraft, they are ready to proceed with marketing the property for a 400,000 sqft building. They indicated that they were aware of several companies that may be interested in leasing the building from them. We assured them that we would be available to assist them in any way we could. Within a matter of days, they had a sign at the entrance to their property on Rt. 140 advertising a 400,000 sqft building.
- ***FinCom Reserve Account Transfer:*** I requested a transfer of \$3,500.00 from the FinCom Reserve Account for repair work on the chimney at the Fire Station. An inspection showed some wearing away of the masonry which caused concern about falling bricks. The requested transfer was approved and we are moving forward with the repair.
- ***P&R Revolving Account:*** Because of the claim made regarding inappropriate payments from the P&R Revolving Account, I reviewed the accounting reports and had a discussion with the Town Accountant. The accounting reports are in your packet and it shows that on 12/05/16 a check was cut in the amount of \$2,176.65. The accountant held the check because the proper paperwork was not turned in to support the expenditure. On 1/30/17, when the paperwork still not being received, the check was voided. Then on 02/13/17, when the paperwork was received by the accountant, a new check was issued. All in all, there was only one check withdrawn from the account.
- ***Police Chief Contract:*** I want to mention to the board that the contract of Chief Sahagian expires on June 30, 2018, so we have about eight months to agree to a new deal. As you know, Town Meeting and the legislature approved allowing the Chief to continue working beyond the age of 65.

- **Town House Elevator Lift Update:** The elevator shaft at the Town House is completed. We are awaiting word from the contractor regarding the installation of the elevator. We expect the project to be finished by the end of October.

I will quickly go over the total amount spent on renovations at the Town House.

Projects Include:

Completed

Painting
Alarm System
Windows
Water Heater Replacement

Scheduled

New toilets
New Elevator

Total Cost - \$127,703.00

- **Town House Rental Fees:** Now that so much work has been done at the Town House, the Town House Committee has recommended that the rental fees be changed. They are recommending that it continues to be free for town organizations; \$100.00 for residents; and they ask that you approve a fee increase of \$300.00 for all others. The Town House Committee will be revamping the rental agreement and will submit to the BOS for approval.
- **Haywood Street:** I am sure the board remembers the group from Haywood St. that came before you to ask about having their road paved. They were told that they live on a private road, and as such the town could not pave their road. I want to inform you that the home owners have had their road paved at their own expense.
- **Elmwood Place Legislation:** The Legislation authorizing the BOS to sell the property on Elmwood Place has been enacted in the House and the Senate. It is waiting for the Governor's signature.

Permit application, Mike's Vending LLC: Sale of Christmas Trees 11/26/17-12/26/17 *Jamie Underwood motioned to approve the permit application; Mike May seconded; voted all in favor*

One-day beer/wine license application: Knights of Columbus, Trivia Night at St. Mary of the Hills in the Parish Hall, 10/21/17 *Mike May motioned to grant a One-Day Liquor license to the Knights of Columbus and to waive the application fee; Jamie Underwood seconded; voted all in favor.*

April asked if the requirement to obtain signatures from the Fire Chief and Police Chief for recurring semi-annual events could be waived for applicants who are in good standing with the town. There was discussion on the subject, however, the BOS did not act on the suggestion.

Selectmen's Meeting Minutes: The minutes of August 14 and September 18 were presented for approval. *Michael May motioned to accept the meeting minutes as written; Jamie Underwood seconded; voted all in favor.*

Mike May asked the TA about any information about the cell tower lease in town. It is believed that there was never an RFP issued for the initial lease, therefore we cannot extend the current lease. Going forward, we will need to have approval at town meeting to allow the cell tower rental and then issue an RFP to open the public bidding process for the cell tower lease.

Citizens Comments: Elaine Jones asked a question about the location of the Rand Whitney property in town. The TA told her it is located behind the Fuller RV property and it comes down and touches the Dionas property. Previously, they had a building permit at that location for a previous building but now they are interested in building a 400,000 sqft warehouse building on that site. Elaine asked if we could get anything in exchange, like a stop light at the end of Sewell St.? The TA replied that right now they have approached the town and expressed an interest, it isn't the time to be asking any requests. Gerry Quam asked why they would want to build a warehouse to lease to someone else and not just sell the land. Mike May replied that the

owners of the land are in the real estate business and they build high quality buildings. It is an investment as far as they are concerned.

Elaine asked about the MUI rezoning Article that is on the warrant for the STM. She wanted the BOS to explain why they would want to do that? The TA replied that it is not an article that the BOS has sponsored, it is from the property owner. She asked if he would explain why and the TA replied that it is hopeful that he will. Mike May explained that at the STM the owner of the property would have to present the article and explain the reason he is looking for it. He believes that the BOS and the Planning Board will have some commentary, but it is on the owner to explain. He reminded Elaine that the owner of the property is asking for the zoning change due to the towns request to alter the 40B request that has already been approved by the state and presented to the town. It is believed that the 40B would have a greater impact to the school systems. There are also no apartments available in the town and this would fill a need that the town has. If this is approved he is willing to step away from the 40B ask. This will all be explained at the STM.

Elaine asked about the gravel pit parcel. She is concerned with the traffic impact on the Sewell St. She stated that many feel that the density for over 55 housing is already twice as much as what a single family home would be required to have. She is concerned about sewage, water, and traffic. She doesn't see the need to increase the zoning density. She is not pleased on the Planning Board articles. Gerry Quam stated that he feels that the changes are being forced through for the sake of one developer, to appease a particular project. Jamie stated that those requests are coming from the Planning Board. The only thing that the BOS did was try to go back and rectify an error that we had when we first earmarked the gravel pit as an area for over 55 housing and the maps had the acreage wrong when it was approved for sale at town meeting. The question was asked why put articles on the warrant if the BOS did not sponsor them? Jamie said we have to. Same way if a resident came forward and said they wanted to buy a piece of land and acquired all the necessary signatures would be able to get an article on the warrant. The TA said that the problem with not putting it on the warrant is that now you would have three people controlling what happens in the town. If you put it on the warrant, then it goes to town meeting and all the residents get to vote. Town Counsel stated that there are town by-laws that state that the BOS, the Planning Board, and the property owner may propose amendments to zoning by-laws. If the change that is proposed is passed then it applies to all projects going forward, not just the parcel on Sewell St. that is in question. One project may be the catalyst for an amendment, but it would be an amendment in perpetuity that would be applicable to all projects. All articles need to go before the BOS to be approved to go into the warrant, however, in accordance to 40A if an article is sponsored by the Planning Board it needs to go on the warrant. Mike said that he is unclear if they were against the density of the proposed project or that the developer could come in and build an over 55 with a 10 acre parcel because he meets the requirements. He suggested that when Gerry comes to town meeting it would be in his interest to have a well-articulated opinion to present to the voters. Elaine said that an over 55 community is not a problem, the problem is that they want to change all the rules. Discussion ensued about the proposed project at the gravel pit.

At 8:24 PM Jamie Underwood motioned to adjourn; Mike May seconded; voted all in favor.

The meeting was adjourned at 8:24 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
Building Superintendent Report	On file in Board of Selectmen's Office
Highway Superintendent Report	On file in Board of Selectmen's Office
Crime Statistics	On file in Board of Selectmen's Office
Special Town Meeting Warrant Draft	On file in Board of Selectmen's Office