



Board of Selectmen

Date of Meeting: Monday, May 21, 2018
Location: Town Hall, 221 Main Street
Time: 6:00 PM – 9:42 PM
Members Present: Chairman James Wood; Michael May; James Underwood; Marty McNamara, Town Administrator; Corey Higgins, Special Town Counsel; April C. Steward, Administrative Assistant to the Board

The meeting commenced at 6:00 PM.

Financial Warrants were signed in agreement.

Pledge of Allegiance was recited.

At 6:02 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(a) ¶2 to conduct strategy sessions in preparation for negotiations with nonunion personnel – Building Inspector's contract; and to conduct contract negotiations with nonunion personnel: Tony Zahariadis, Building Inspector; James Wood: Yes; Michael May: Yes; James Underwood: Yes, and to go into Executive Session under MGL c. 30A §21(a) ¶2 to conduct strategy sessions in preparation for negotiations with nonunion personnel – Town Administrator's contract; and to conduct contract negotiations with nonunion personnel: April Steward for Town Administrator's contract; James Wood: Yes; Michael May: Yes; James Underwood: Yes. The Board agreed they would reconvene to open session.

The Board reconvened from Executive Session at 7:16 PM.

HEARING: Tower Hill Botanical Gardens ABCC License Application: Change of Manager: *Mike May motioned to approve John Lawrence as the new Manager on Record at Tower Hill Botanical Gardens; Jamie Underwood seconded; voted all in favor.*

HEARING: Boylston Beverages Inc. D/B/A Vinny C's ABCC License Application: Pledge of Collateral: *Mike May motioned to approve the Pledge of Collateral Request from Vinny C's; Jamie Underwood seconded; voted all in favor.*

Timber Brook Electrical Issues: Judd Goodnow: 2017 Timber brook endeavored to get proposals to replace all the master closet electrical panels on all 21 buildings. They found out that half of the buildings had Federal Pacific breakers which are known to be defective and the company failed 20 years ago. So they hired an electrician who spoke with the past electrical inspector, Mr. O'Connor, and he had given the electrician permission to change out the panels where they are currently located which is directly behind the washer and dryer inside of a closet. That consideration is no longer on the table by the new electrical inspector because it does not meet code. The issue is the association advertised to the owners of the units that the cost of the replacement panel was going to be approximately \$800.00. Based upon the new requirements it is going to be \$4,000.00+. There are many retirees with fixed incomes as unit owners and they cannot spend that kind of money. Mr. Goodnow is looking for a compromise and wants permission to replace them in their existing locations. In Building One they have already found a fried circuit breaker that was close to being on fire so there is a greater push now to get this work completed. In the last year they have replaced all of the exterior panels and now they are ready for Phase II which is the panels inside the condo units themselves. The Chair asked if the electrical inspector has already told them that they cannot do the repair the way that they want to do it and Mr. Goodnow confirmed that in the affirmative. Mike asked if the washer and dryers were stacked. They are not, they are side by side. The machines are inside of a closet with folding doors in front of them. Mike noted that with the setup the way that it is there must also be a concern about lint and the explosiveness of lint especially being so close to the panels. With all due respect to the previous

approval, this is a very dangerous situation that is a risk to the community and needs to be addressed. The Building Inspector commented that it is not only the lint, but there is a water pipe that runs directly below the electrical panel itself. So the panels are blocked by the machines, there is water pipes running beneath them and everything is in an enclosed closet where lint can accumulate. He described what circuit breakers are created to do. They trip if an electrical overload occurs therefore shutting off the electrical current to the circuit to prevent fires. However, if a breaker is defective, they do not trip and the risk of fire to the panel and your home becomes imminent. John McQuade gave a presentation to demonstrate working clearances, which is the amount of open space required in front of and below an electrical panel. With the current set up, the condo units do not meet the required working space requirements set forth in the 2017 National Electric Code adopted by the state of Massachusetts. John McQuade has been in contact with three separate contractors. He toured the property in November and recommended that they turn the panel board into a junction box and they go roughly 4 ½ to 5 feet to the right and on the living room/dining room wall put in a new electrical panel. This option is at a lesser cost than the \$4,000.00 option of moving the panel to a different location other than the living room/dining room wall. Mr. Goodnow said the homeowners are never going to agree with that solution. Discussion ensued on various options for the homeowners, the panels, and the amount of work that has already been completed. They have already spent \$65,000.00 to do all the exterior work in Phase I. Mr. Goodnow had previously asked the Town Administrator to direct the electrical inspector to allow them to replace the panels were they are already existing but there is no way that he was going to tell the inspector to go against the building code. The BOS agreed with the TA. Mr. Goodnow is in a tough spot because the preexisting condition is grandfathered in and you can't force the homeowner to do the update even though it is an extremely unsafe situation. There is a very similar situation in a neighboring town and they solved the issue with a three phased approach. The work was done by the HOA and the owners did not have a choice. Mike Suggested that the Building Inspector, the Fire Chief and Mr. Goodnow all get together and see if they can come to agreement on a viable solution. The BOS cannot instruct the Inspectors to violate building code. Mr. Goodnow asked if the stackable washers would be a solution. The Electrical Inspector said at this point he would have to say no due to the machines still being located inside of a closet with the panel and the water pipes would still be running below the panels. Mr. Goodnow left very frustrated. The Inspectors and Mr. Goodnow are going to continue their conversation offline.

Citizens Comments: Laurie Benson asked why the BOS was not going in order of the agenda and the Chair clarified that they have the option to take items out of order and they are going to take citizens comments now. The Chair said if anyone wants to speak they can raise their hands and stand up, state your name, and then you can speak for a couple of minutes and we will go from there. He would not like to have repetition going on, no personal attacks on anybody, and we are going to keep it nice, just like this town is. Special Town Counsel added that whoever is addressing the board should address the chair and no other members of the board, and all comments should be in a civil and respectful manner. Diana Whitehead had two questions. One, what is going on at the Harrington Y, did the non-profit go through, is the pavilion and the lodge still there, how many units are being built, who owns the units, etc., etc., can we get an update on the property? Question number 2, at the corner of Sewell and Gulf there is junk. Mr. May at this point recused himself from the meeting as he had already submitted a conflict of interest with the Pine Street project and can not be part of the discussions involving that project. He left the meeting. Jamie Underwood responded that there are private owners working in that area and supposedly houses going in at the intersection; he was not able to provide an actual amount and let Laurie know that going to the planning board she might be able to get more answers regarding this project. Regarding Harrington, Jim Woods responded saying that it is being developed and he believes there are about half a dozen buildings going up on pine street. Laurie mentioned that she read Mr. May will be making a non profit and have that be part of the Parks and Recreation; Jamie mentioned that she would need to speak directly to Mr. May. Martin McNamara mentioned that there has been no discussion regarding the Parks and Rec taking over that land; it is a private development and they are dealing with the Earth Removal Board right now but it is a private development and does not have anything to do with the town besides making sure everything is up to code. Jim Richard discussed what has recently been happening with the Planning Board and Earth Removal Board regarding Pine Street and Harrington. A resident asked if there was a selectman in charge of taking or looking over the deal, or if they represented the town in any way regarding that transaction. Jim Woods explained that the Town of Boylston could not afford this land; no one really took any action from that point on. Ken, A Resident asked how much the original asking price was for

the property; \$1.15 and believes it was sold for around \$850K; and asked how a deal like that goes from \$1.15 to the price of \$850K for a selectman. Martin McNamara says that even at \$850K the town would still not have been interested. He also stated that the Y was going through a building program and over a certain time the price continued to drop; the property was owned by the Y. Gino, a Resident mentioned that in a different meeting people in the Parks and Recs board agreed that Camp Harrington would be accepted as a donation and that would be one of the reasons Mr. May bought it, and now that those people aren't on the board. Jamie Underwood mentioned that in order for the town to accept a land donation, it must happen at a town meeting and must have 2/3rds of the vote. Martin McNamara spoke about the conversation the Parks and Rec board had regarding the land; insurance, regulations, paying employees and everything that goes along with owning and running this property, and it was realized that they could not afford it and nothing materialized from that. Another resident mentioned that the actions of one member of the board has put a whole cloud over the town and doesn't believe it is right that he could do it. Mike May returned to the meeting but stepped out once again since residents continued to have questions regarding the Harrington and Pine Street project. Kathy Nelson, questioned what does the Board of Selectman know about this project? Jamie Underwood mentioned that the only thing he can offer is that if residents want to pinpoint questions to Mike May that there is an Earth Removal Board meeting on Wed night and the next planning board meeting; they will have to answer those questions. Residents continued to question how this is not a conflict of interest and gave their personal reasons as to why they do not agree with how things happened. Chairman Woods mentioned that legally they are not allowed to interfere with this situation. Rondeau, A resident asked, how do we get a petition presented and put up for a vote so that going forward anyone on the board will not be able to develop land? Martin McNamara suggested putting together a citizen's petition and turn it into the Town Administrator so that it will be on the next agenda.

Regarding the meeting prior to the last Town Meeting, residents did not feel as though they had enough time to speak, did not get as many answers answered as they hoped, and that some people were made to address some people while others weren't. One resident felt as though the last meeting was very chaotic and the Selectman were on the defense from the beginning and wants to make sure that going forward meetings are handled better. Jim Woods commented that the meeting did not go as it should and they have made improvements going forward regarding it being recorded and that the meetings are just going to keep getting better and better.

Jim Benson asked what the status is on the hiring a replacement for Martin McNamara's role of Town Administrator. Jim Woods responded saying that they are in the process of negotiating the contract and when they get the details and agree with April, they will make it public. Ken Rondeau, spoke asking if the Board of Selectman is still going to go forward with the decision of hiring April knowing the opposition of the majority of the town, against it. He mentioned that he is having a hard time understanding how the board of selectman came to this decision when she does not have all the qualifications they requested. Jim Woods responded saying that April does have the qualifications. Laurie Vincent, who was on the board said that they worked really hard to go by the Town Administrator guidelines and went through every single application that was given to them and that since April worked really hard, she would be given a courtesy interview by the board. She mentioned she knew after leaving the last night of the interviews she knew what was going to happen; wasted so much of her time and feels as though she failed the town because all the other people they chose met the requirements and April did not. Jim Wood responded saying the appointed a committee, the committee comes back with 4 applicants (one of which being April). Mike May took a moment to step in and say that he is sorry for his demeanor at the last meeting and that is not normally his operating style; very passionate about this town, feels as though everyone should be treated with respect and believes that this board needs to come together. Regarding the search committee, there were 47 applications reviewed, 9 were interviewed, 4 were selected to be presented to the board. The chair of the board stated that any one of these 4 candidates would make an outstanding Town Administrator. Mike May stated that we went through a really long process and appreciates everyone that helped with getting to that point in the process, but at the end of the day that is where they landed, and we need to come together to support her in her new role.

Gerry, stated that logically with respect to Mrs.Steward, he finds it hard that she was one of the final candidates when she doesn't meet the board of selectman's initial qualifications – if she didn't meet the initial qualifications how did she become one of the final candidates? Secondly, he would really like to apologize to

Mrs. Steward, it's nothing personal and that he is really rooting for her and hopes that she is successful. Claudine Underwood asked if the board had been grooming her. Mike May responded saying absolutely. Martin McNamara responded saying that throughout his career, if he had anyone working for him he made sure to teach them everything he knew about the job, so that at one day they can move forward; he thinks she is there. Carrie Monahan, asked the lawyer that if residents are unhappy with the decision how do they go about changing it? The response was to go to the Town Administrator or the Town Counsel. Discussion continued with questions to the board on the hiring process, and how they came to their decision on Mrs. Steward. 5 people came to the recommendation, 4 people voted on the decision; Mrs. Steward was chosen. Mrs. Steward stated that if anyone would like to come and speak with her in person her office is right down the hall and she welcomes anyone to do so.

Report of the Town Administrator to the Board of Selectmen

- ***Annual Town Meeting:*** We made it through another Town Meeting in a relatively short time. I am very happy that all articles that were acted upon were passed. I have begun making a list of articles for a possible Special Town Meeting in the fall.
- ***Fourth Leg of the Intersection:*** We have notified the Town of Shrewsbury and Mass DOT of the approval of the funding for the 4th leg of the intersection. Shrewsbury will be voting this evening on the \$100,000.00 as their part of the funding for the construction. Once the design work is completed by VHB, we will be preparing the RFP for the construction.
- ***Name for New Road:*** Just as a side note, you should probably start thinking of a street name so we can stop calling it the 4th leg of the intersection. The opposite side of the roadway is known as Pine Hill Drive.
- ***Purchase of Parcels for New Roadway:*** The purchase of the Boylston Sportsman Club is completed, it was recorded on Monday 5/14. The Fuller purchase is pending, the P & S has been signed, and we are waiting for the attorneys to schedule a date.
- ***Administrative Assistant Position:*** We ran an ad for an Administrative Assistant to replace April and have received 19 resumes thus far. The deadline for applications is 5/25.
- ***Compass Pointe Paving:*** We are planning to run the RFP ad in the Central Register for the paving of Compass Pointe 5/25 with a deadline to respond on 7/9.
- ***FinCom Reserve Fund Transfer:*** Due to an unusual amount of work required of Town Counsel this year, we will be looking for a Finance Committee Reserve Fund transfer. We are expecting that request to be in the range of \$10,000.00.
- ***Police Chief Contract:*** We have been working on a new 2-year contract for Chief Sahagian. It has been sent back to counsel for a few refinements. I expect we will have it ready for the board to review and sign at the next meeting on June 4.

Reorganization of the Board of Selectmen:

Vote to (1) ratify the Town's acceptance of a deed from Boylston Sportsmen's Club, Inc., recorded at the Worcester District Registry of Deeds in Book 58800, Page 10; and (2) authorize acceptance of deed from Robert and Sheri L. Fuller, in a form as approved by Town Counsel and as authorized by vote under Article 18 at the 2018 Annual Town Meeting, with said acceptance to be signed on behalf of the Board by either the Chairman or the Town Administrator.

Selectmen's Meeting Minutes: The minutes of March 26th, 2018, and April 9th, 2018 were presented for approval. *Michael May motioned to accept the meeting minutes as written; Jamie Underwood seconded; voted all in favor*

At 9:42 PM Mike May motioned to adjourn; Jamie Underwood seconded; voted all in favor.

The meeting was adjourned at 9:42 PM.

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

Meeting Materials

Agenda
Meeting Sign-In Sheet
TA Report

On file in Board of Selectmen's Office
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