BOARD OF SELECTMEN

MEETING MINUTES

FEBRUARY 5, 2013

The meeting was called to order at 7:05 PM. Present were Selectwoman Bik, Selectmen Chamberland, Haughey, Marchand and Wozniak; Town Administrator Keyes; Attorney Condon and Attorney Madden - Town Counsel; and Mr. Forget, Mr. Wells and Mrs. Marchand – members of the Finance Committee.

The Board recited the Pledge of Allegiance.

Chairman Wozniak said congratulations to the Blackstone/Millville football team because they were given varsity status.

Approve One Day Liquor License for Saint Theresa Catholic Church, 630 Rathbun Street, Blackstone, MA, Saturday, February 9, 2013 from 5:00 PM to 10:00 PM – Ms. Bik made a motion to approve the one day liquor license for Saint Theresa Catholic Church for Saturday, February 9, 2013, seconded by Mr. Haughey (Exhibit A). Ms. Bik wanted to make sure the liability insurance is where it needs to be. Chairman Wozniak said he spoke to the Father and informed him liability insurance needed to be $1M. He said the Board voted at their September 4, 2012 to make the insurance requirements for one day liquor licenses $1M and wants to add this to the website. Vote unanimous.

Blackstone/Millville Regional School District – Authorization of Debt Borrowing – Superintendent of Schools/School Committee (Exhibit B) – Mr. Haughey recused himself. Attorney Gould - attorney for the School District, Ms. Shaver-Hood - Superintendent and Mr. Buckley - member of the School Committee were here. Chairman Wozniak said during a meeting on January 17, 2013, the School Committee authorized incurring debt to pay for the roofs at the BMR High School, JFK School and AFM School. He said there is an opportunity to obtain funding from a school construction grant.

Attorney Gould said there is a program through school that encompasses windows, boilers, roofs and science labs. He said the school roofs were badly damaged two years ago and he has been working with MSBA (Massachusetts School Building Authority) to get into the program. He said they were assigned a project manager and architect and the next step is to put together an agreement with Arcadus USA. He said the members of MSBA approved the project and the budget for the project. He said there are three separate projects and they have 90 days to insure that all necessary funding for each project is in place. He said the MSBA has a history of being very inflexible.

Attorney Gould said at the January 17, 2013 School Committee meeting they stated that they would incur debt and documents were served to Blackstone and Millville on January 22, 2013 because the Towns need to be advised of the debt. He said the Town needs to decide if they will approve the project with or without debt exclusion. He does not know what Millville will do. He said the statute says once debt is incurred they cannot borrow money for 60 days and during that 60 day period the Town has the option of calling a meeting. He said the Town could either vote to call a meeting or let the 60 days run out. He said if the motion is without debt exclusion then they need to have a special election.

Attorney Gould said the project costs are: $3,866,801 for BMR High School; $2,716,777 for JFK Elementary School; and $1,680,034 for AFM Elementary School. He said the district could receive 57.74% of the project costs. He said if the Town receives the grant, their debt for the high school would be $1,634,111. He said Blackstone’s share is 70% and Millville’s share is 30%.

Chairman Wozniak said they want to allocate $560,000 for the roof at BMR High School so the Town will not incur debt. Attorney Gould said he has had no contact with Millville except to deliver the documents. Chairman Wozniak asked if would affect JFK/AFM Schools if Millville declines. Attorney Gould said Millville’s only interest is the High School.

Mr. Buckley said they can only give the information to the towns. He said it is up to the towns to invite them. Attorney Gould said once the 60 day period expires and if the Towns have done nothing they are agreeing to it. Attorney Condon said each town has to either approve it or ignore it.

Mr. Buckley said the roof at the High School was replaced in 1990, the building is 42+ years, is beyond the expectancy of life and is hoping we do not receive too much rain or snow. Chairman Wozniak said they have patched the roofs. Ms. Shaver-Hood said they moved classes because the leaks are significant and the roof over the cafeteria is so thin they are concerned it will come off if there are significant winds.

Chairman Wozniak made a motion to approve the project without debt inclusion, seconded by Ms. Bik. Mr. Chamberland asked what the ramifications are for paying cash especially if Millville does not agree with this and said he knows some money was put aside. Chairman Wozniak said based on sewer projects, they have considerable debt service and they have allocated $560,000 for the roof and have $2.9M in stabilization in order to limit the tax impact of the High School, JFK and AFM Schools. He said it would go to Special Town Meeting and then voters can decide.

Mr. Forget – Chairman of the Finance Committee asked what happens if the Town votes not to incur the debt. Chairman Wozniak said they will not get funding but with his motion they are only objecting to borrowing money. Mr. Keyes said if they used the funds from the stabilization account the balance would be $1,787,000. Chairman Wozniak said a Facilities Committee was formed to explore possibilities for the roof.

There was discussion about contacting Millville. Mr. Keyes said he sent something to Millville but has not heard anything back. Chairman Wozniak said he has no problem contacting the Chairman of the Millville Board of Selectmen. Mr. Keyes said $560,000 was put in stabilization with the understanding it was to be used for the roof. Mr. Chamberland said he wants to be proactive and will contact the Millville Board of Selectmen. Mr. Buckley said the School Committee has procedures and policies they have to follow. He said the District incurred the debt on January 17; both Town Clerks and Boards of Selectmen of Blackstone and Millville were notified. He said then it is up to each Town to decide what to do. Ms. Shaver-Hood said they did reach out to the Towns and it is up to each Town to contact them if they want them to appear before their Boards. Chairman Wozniak withdrew his motion.

Approval of Special Town Meeting of March 11, 2013 - Mr. Marchand made a motion to call for a Special Town Meeting on Monday, March 11, 2013, seconded by Mr. Chamberland. Vote unanimous. Chairman Wozniak said he does not want to jeopardize anything and wants to consult with MSBA and find out it Blackstone paying will impact their money. Attorney Gould said he would have to talk to MSBA to see if they will buy into this because their forms cannot be changed one iota. Attorney Condon said they cannot make any changes and said to bring each motion forward as is for a special meeting vote for each particular school. He said the Board does not have to decide today if the motion is with or without debt exclusion but has to vote now to open the warrant. Chairman Wozniak said the letter was sent on January 22, 2013 and they moved on it as expeditiously as they could. Chairman Wozniak made a motion to open the warrant for the Special Town Meeting on March 11, 2013, seconded by Ms. Bik. Vote unanimous.

Chairman Wozniak made a motion to approve the Form of Article on pages 7-10 of the agenda packet as proposed by the Blackstone Regional School District to be put on as Article 1 for the Special Town Meeting to occur on March 11, 2013, seconded by Ms. Bik (Exhibit B). Vote unanimous. Ms. Bik made a motion to accept as a Form of Article, Article 2 for the Special Town Meeting for March 11, 2013 on pages 15-18 of the agenda packet, seconded by Mr. Marchand (Exhibit B). Vote unanimous. Ms. Bik made a motion to approve the Form of Article as Article 3 on pages 23-26 of the agenda packet for the Special Town Meeting on March 11, 2013, seconded by Mr. Marchand (Exhibit B). Vote unanimous. Ms. Bik made a motion to close the warrant, seconded by Mr. Marchand. Vote unanimous. Mr. Haughey returned.

Paul Marvelle – Sycamore Estates and Other Planning Board Issues – Mr. Marvelle, Chairman of the Planning Board was here. Chairman Wozniak said they wanted to discuss the gravel removal from Sycamore Estates. Chairman Wozniak said this project is on Elm Street behind the huge tree. Mr. Marvelle said this is a different proposal before the Planning Board, is not affordable housing and there are 14 lots to be put on land.

Mr. Marvelle said the Planning Board approved this subdivision according to their by-laws and it was also reviewed by Mr. Carlucci, Planning Board Consultant. He said when a subdivision is approved and the infrastructure is somewhat developed a bond is posted and gravel can be removed under limited operation. He read the applicable section (Exhibit C). There was discussion if the Planning Board has the authority to grant the removal of gravel because the Board of Selectmen grants gravel removal permits.

Mr. Marchand said they are removing an excess amount of gravel, a code enforcement officer went down there, a letter was sent and they are blasting. Mr. Marvelle said there are no requirements for them to come before the Planning Board to blast. Mr. Marchand said they now want to remove 80,000 cubic yards. Mr. Marvelle said they approved the Subdivision according to Town Bylaws and gravel removal was brought forward under as limited operations. Chairman Wozniak wants an immediate opinion of Town Counsel to address the operations being performed at that location and wants grade checks with what was there and what was removed.

Mr. Marvelle said he never received a letter that gravel was being removed and referenced Section 109 Part 4 (Exhibit C). He said Mr. Carlucci spoke to Mr. Keyes about that. Chairman Wozniak said they need to address the issue if gravel can be removed without coming to this Board for approval. Mr. Marvelle said someone (he was not sure who it was) checked the grade of the road to make sure it was okay and talked to Earl Vater. Mr. Marchand said the Police went down also with the Code Enforcement Officer and a Cease and Desist was issued but then lifted.

Mr. Marvelle said the request came through the Board of Health Secretary to see if they could remove gravel. He then contacted Mr. Carlucci and he said it was in the bylaws. He also said if it is on the prints then gravel can be removed. He then had Mr. Carlucci contact Mr. Keyes by memo stating this would be acceptable per the bylaws of the Town of Blackstone. Attorney Condon said the authority rests with the Board of Selectmen per 109-3 and an inspector designated by them and could give them a formal opinion. Chairman Wozniak said the Planning Board approved the plan for Sycamore Park Estates. He asked if the Planning Board exceeded its authority without an accompanying permit from this Board and if they did and Sycamore is supposed to apply for a permit what is their legal remedy in enforcing 109-3 immediately?

Mr. Marvelle said if they were supposed to receive a permit from the Board of Selectmen they would agree with the Cease and Desist Order. He said they were planning to draft an article for the Annual Town Meeting because the bylaws are poorly written. He said as far as he knows there has never been a gravel permit issued to a developer.

Mr. Haughey said the Code Enforcement Officer is supposed to give reports, the Board only received one and wants legal clarity about the amount of gravel to be removal. Mr. Marvelle said he is not sure how much gravel was removed. He said it may have been circumvented based on the way 109 was written. He wants a report from the inspector, wants to know what the corrective action is to clean this up and get it right. He said the Planning Board wants to do the right thing. He said they go by the subdivision plans, rely on consultants and will do what legal counsel tells them. He said when a subdivision plan is granted, they cannot remove the top soil. He said it has to be stock piled and put back when they are done grading. He said the gravel underneath is removed.

Mr. Marvelle said the Planning Board will also address the Cease and Desist and if they missed the permit process at their next meeting. He said according to the Bylaws for the Town of Blackstone when a developer comes in the bond is not retained until the infrastructure and binder is on the street. They requested a bond now because they saw the amount of gravel being removed but there is not a bylaw for that. He said they have not received the bond yet and if they have not received it by their meeting on Thursday they will have Town Counsel address it.

Chairman Wozniak wants Mr. Keyes to see how much gravel was taken out. Mr. Marvelle said if it comes to their attention they can address it and will vote at their next meeting for an engineer to see how much gravel was taken out.

Sewer Pump Stations – Mr. Sullivan, DPW said tree limbs were down from the significant winds. He said the sewer pump station was impacted and had to replace a circuit board. He said it is up and running and A&D Instruments is coming Tuesday to reset it. He said there are no generators at these stations and the power went out around 4 a.m. He said generators should be installed at some point because it is for waste and could have impacted Woonsocket. He said it needed to be pumped and got it fixed. He said three generators will cost approximately $30,000.

FY2014 Budget Review

Town Clerk – Mrs. Dolinski she said revised her budget again because she thought the state election was in 2014 but it was in FY2013. She said the Town Clerk’s salary increased 2%; Assistant Town Clerk increased 2%; she does not have certified clerk status so it is at 0; Office Assistant for 26 hours a week increased 2%; longevity for Interim Town Clerk is $1,800; the Assistant Town Clerk’s longevity is $1,200. Ms. Bik recused herself. She said repair & maintenance is $150 for two typewriters; professional & technical is $3,750 for microfilming; office supplies are $1,600; printing is $3,000 and this amount varies depending on changes to the zoning bylaws, subdivision regulations, general by-laws and changes to traffic rules and regulations; in-state travel to attend conferences is $1,300; and dues and subscriptions is $235.

She said there is one election scheduled for FY2014 and it is mainly for police detail and constables; elections’ overtime is $660; elections’ repair & maintenance is $660 and there are no anticipated increases; precinct space from St. Theresa’s Parish is $250; elections’ professional & technical is $7,500 (approximately $4,700 is for election workers per election and ballot printing and supplies for voting machines, which can vary); other supplies is $700; Board of Registrars Chair receives $250 and $700 is for the three board members. She recently found out that the number of registered voters determines the amount of compensation; part-time clerical help is $1,200; and printing is $3,700 for census forms, postage and printing of street listings.

Mr. Wells said the office supplies and printing budget were exceeded this year. Mrs. Dolinski said they needed to reprint certificates because they had the old Town Clerk’s name and needed to print some bylaws that were not put in the book.

Chairman Wozniak said they would schedule a meeting on Saturday morning, February 9, 2013 at 8:30 AM to finish the budgets. Ms. Bik returned.

Mr. Haughey made a motion to adjourn the meeting at 9:50 PM, seconded by Ms. Bik and Mr. Marchand. Vote unanimous.

Respectfully submitted,

Kim Milliken