

The meeting was called to order at 7:08 p.m., by Chairman, Al Homan. Also in attendance were; Member, Richard Desjardins; Member, Sherry Berger; and Adm. Clerk, Diane Tiernan.

Jon Deli-Prescoli, owner of the Grafton Upton Railroad was present.

A large animal permit was signed for 169 East Street, Maquire.

Vouchers were reviewed and signed.

Motion one – Sherry made a motion to accept the meeting minutes as written from the previous meeting held 2/9/12. Al seconded the motion and it was made unanimous by Richard. Minutes approved.

Board discussed the noise monitoring of the Railroad at Depot Street. Richard explained his monitoring procedures. We are still trying to establish if there is a pure tone being omitted from the Railroad operation, but the plant needs to be in full operation to check it. We will contact DEP when the noise is at its highest level.

A septic repair design was reviewed for 103 Hopkinton Road, Elizabeth Galloway.

Motion two - Richard made a motion to approve of the design and it was seconded by Sherry. Al made the motion unanimous. Design was approved.

Mail reviewed.

7:45 p.m., John Deli-Prescoli wished to address the Board regarding the current issues at the Railroad. John stated he feels bad that his business is causing so much distress to the Board, and is trying to mitigate, to work with people. We found a way with the poles to work things out and wishes to work together again. He has been an open book with all town departments, not trying to hide anything. His concern right now is that the selectmen are being approached by the Planning Board to hire a lawyer pro bono. He worries what the town will be getting into by pursuing a law suit. The town will be taking on the American Railroad Association, not the Grafton & Upton railroad. This lawyer could cause eruptible harm to the town. Plaintiffs that are private citizens will be individually liable. John stated he would much rather talk about productive things, not lawsuits. He has applied for grant money for the reconstruction of railroad crossings, to fix bridges, to lay a heavier rail, but all will be void if he has to spend all his time and money on a lawsuit.

John explained that the lawsuit in Ayer went on for 7 years with the town and the railroad and in the end; Ayer was assessed 1 million dollars. John stated he is here to say he wants to work with us on the sound problem and be as reasonable as possible, I will do all I can. He will install the insulation on the pipes to deaden the noise from the pellet operation and whatever else it takes to stop the complaints, but if he's being sued, he can't spend the money on these items.

John stated he is presently working with the town manager regarding a request not to blow the whistles in certain residential areas. He's following the Norack rules where the whistles must be blown, but if there is a way to make other arrangements, he will look at it, but not if he's in litigation. He feels that the BOH and the Selectmen have all been fair to work with.

Al stated it doesn't matter if the Planning Board wants to move forward with a lawyer or not, the authority to employ an attorney is under the Selectmen. Al personally feels the selectmen will not employ the lawyer. The consensus from the newspaper blogs seems to be "why are we wasting our time on this."

Richard stated if the town ends up in a lawsuit with the railroad, all communication will stop. John's lawyer will not allow him to talk with us, and our lawyer will not allow us to talk to him. The railroad is not going away; let's find a way to find solutions.

John stated the area off of Grove Street is being cleared as a staging area only; there will be no chemical storage there. Right now 2/3's of the rail cars are non-placarded cars at the station.

John showed plans of the rail station property, indicating the sewerage and drainage plan. Sherry asked about making a housing container for the pumps. It may help to soften the noise that the residents are complaining about. John agreed to look at it if that's what we want. He prefers to spend money on fixing the problems not pursuing lawsuits. John stated he'd like to speak to Richard directly on how to house the pumps. Clerk asked if he had an estimated date on when the insulation would be installed on the pipes. John stated probably around Memorial Day, depended upon the weather.

8:56 p.m. John thanked the Board for their time.

Motion three - 8:58 p.m. sherry made a motion to adjourn and Richard seconded the motion, Al made it unanimous. Meeting was adjourned.

Respectfully Submitted,

Diane Tiernan, Adm. Clerk