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Present: Laila J. Michaud, Joseph E. Flanagan, and Wayne R. Walker

CALL TO ORDER

Chairman Michaud called the meeting to order at 6:04 p.m. in the Selectmen’s Office at Town Hall. She announced that the meeting was being broadcast live and recorded by Ashburnham Westminster Community Access TV; she also confirmed with those present that no other party was taking an audio or video recording of the meeting.

ANNOUNCEMENTS

- Route 12 bridge repairs completed; bridge reopened last week.
- Drug Take-Back event scheduled for October 29 at Police Department to allow public to safely dispose of unused/expired prescription medications.
- Received letter from Massachusetts Collector/Treasurer’s Association advising of recertification of Treasurer/Collector Melody Gallant.

APPROVAL OF WARRANTS

Mr. Flanagan moved that the Board approve the following warrants:

October 24, 2011	Accounts Payable #24	\$262,539.58
October 24, 2011	Payroll #25	\$166,359.70

The motion was duly seconded and passed unanimously.

CONFIRMATORY ORDER OF TAKING – SOUTH STREET PROJECT

Chairman Michaud advised that an incorrect property owner was listed on the original Order of Taking that was approved on July 25 for the South Street Project. A Confirmatory Order of Taking has been prepared listing the correct owner for the property located at 26 South Street.

Mr. Walker moved that the Board vote to approve and sign the Confirmatory Order of Taking. Ms. Michaud seconded the motion; the motion passed with Mr. Walker and Ms. Michaud voting in favor. Mr. Flanagan did not participate in the discussion and abstained from voting.

INTERFUND BORROWING – SOUTH STREET ENGINEERING

Mr. Walker moved that the Board vote to approve the renewal of the interfund borrowing of \$20,309.20 for engineering expenses related to the South Street project. The motion was duly seconded and passed unanimously. It was noted that State reimbursement for these expenses is expected to be received prior to the end of the fiscal year.

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## SOLID WASTE ADVISORY COMMITTEE APPOINTMENT

Acting on the request of the Advisory Board, Mr. Walker moved that the Board vote to appoint John Fairbanks as the Advisory Board's representative on the Solid Waste Advisory Committee. The motion was duly seconded and passed unanimously.

## LAYOVER STATION DISCUSSION

Chairman Michaud provided a synopsis of the meeting held last week at the Westminster Elementary School to review the status of plans (currently at 15% design stage) to locate a layover facility at the Westminster Business Park. She then invited comments from the Board and the public.

Mr. Walker advised that he is still in the process of compiling and reviewing information on the layover facility, including the contents of the Environmental Assessment, and that he has not yet arrived at any conclusions regarding the project. He expressed concern with potential noise mitigation issues and the ability of businesses in the industrial park to access the freight line. He reminded those present that the Town Planner is working with a consultant through a peer-to-peer grant to assess the impact of the layover facility. With regard to noise mitigation, Town Planner Steve Wallace noted that the MBTA has indicated that it will not fund a noise mitigation study; he suggested that the Board consider hiring an acoustical engineer if it believes that noise will be a significant factor.

Mr. Flanagan pointed out that there is no evidence to show that any type of industry will have the ability to access freight rail. He expressed concern that the Board has taken no action to enforce the permit/approval granted at its meeting of April 26, 2010 and requested that the Board seek a legal opinion on the enforceability of the approval. Mr. Flanagan expressed particular concern with the stipulation that the Town be allowed to provide input for any major mitigation. He also questioned whether the Town could hold MART and/or the MBTA to its promise of following the local permitting process and providing access to freight rail.

Bud Taylor stated that he has been advised that the MBTA is not legally required to mitigate for noise and that the town's only option now is to apply political leverage.

Bill Goodwin inquired as to the scope of the peer-to-peer grant with regard to existing noise conditions. Steve Wallace explained that the peer consultant will not be conducting noise measurements, but will be conducting an analysis to determine the potential for connecting to freight. Mr. Wallace suggested that if noise mitigation is a serious concern, the Board should consider getting price quotes from an acoustical engineer to provide pre-construction noise measurements and post-construction noise projections. Mr. Flanagan stated that he would like to know from the Town's attorneys whether the Board can use the results of the study for mitigation purposes. Mr. Walker stated that he felt the Board should identify precisely what advice it is looking for before involving the Town's attorneys.

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Mike Fortin stated that he believes that the noise study results included in Chapter 5 of the Environmental Assessment may be faulty in that the measurements were taken during the day while earth removal activities were in operation. He pointed out that earth removal operations will not continue forever and the study does not appear to have considered the noise impact that would result from trains arriving late at night and running overnight in cold weather.

Upon discussion, Board members agreed to ask Steve Wallace to obtain quotes for obtaining a noise study. Mr. Walker stated that if the Environmental Assessment indicates that there will be no noise problems, the only way to find out is for the Town to conduct its own study.

Mr. Fortin stated that MART and the Westminster Business Park promised the Town that there would be rail access off the main line to serve the individual lots in the business park. Mr. Walker questioned whether there was written documentation proving that this was promised to the Town. Mr. Taylor stated that since MBTA is now the project proponent, they are not obligated to do anything MART promised, and that MBTA deliberately went around the Town to gain this position. Mr. Walker stated that he would take the time to review the matter to determine whether or not legal counsel should become involved.

**DOG COMPLAINT HEARING**

Mr. Walker suggested that the Board designate Town Administrator Karen Murphy to act as the hearing officer to hear complaints brought against dogs being harbored at 21 Old Oak Avenue, and to provide a recommended course of action to the Board. Board members were in agreement with this suggestion.

**ENERGY ADVISORY COMMITTEE – UPDATE ON GREEN COMMUNITIES APPLICATION**

Energy Advisory Committee (EAC) Chairman Joe Macchia was in attendance to provide a status report on the Town’s application for designation as a Green Community.

Criteria 1 and 2: provide friendly zoning to allow production of green energy and/or research and development, and to allow for expedited permitting. Requirements have been met.

Criterion 3: Provide for more energy efficient building codes. A general bylaw will appear on the November 15, 2011 Special Town Meeting warrant to see if the Town will vote to adopt the Stretch Energy Code.

Criterion 4: Fuel efficient vehicles. (Addressed by EAC member Andrew Downing below)

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Criterion 5: Energy reduction plan; requires creation of baseline energy consumption for municipal property, then establishment of plan to effect 20% reduction in energy consumption over a five year period.

EAC member Andrew Downing presented a draft policy and list of exempt and non-exempt town vehicles for purposes of meeting the requirements of Criterion 4. Mr. Downing explained that no immediate action is required, but the town will be expected to upgrade its non-exempt vehicles as current vehicles are replaced. The majority of fire and police vehicles are exempt; many DPW vehicles (mostly smaller trucks) are not. Ms. Michaud inquired as to whether the EAC has met with town departments to review the policy. Mr. Downing advised that they have not yet done so. Mr. Walker noted that the proposed policy states that “departments shall purchase only fuel efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.” He asked whether the town’s view of practicable would prevail. Mr. Downing advised that the town would have to submit a request for approval, stating its reasons for requesting same. Mr. Walker further questioned whether the town could be required to purchase a vehicle when it is deemed impractical to do so. Mr. Downing advised that he would look into this further. Joe Macchia advised that there are no provisions for the imposition of fines on towns for noncompliance, but he expects that if the town were to obtain Green Communities status, then lose it, it would simply lose its eligibility for associated grants.

With regard to Criteria 5, Bill Goodwin inquired as to whether the requirement for energy reduction applies to municipal buildings only, or to the entire town, including residences. Mr. Macchia advised that this applies only to municipal property.

**REPRESENTATIVE FERGUSON – REDISTRICTING PROPOSAL**

Representative Kim Ferguson explained that the Special Joint Committee on Redistricting is proposing to split Westminster’s representation in the House into two districts, by precinct. She advised that the split is purely due to the fact that her current district increased significantly in numbers over the past ten years, while districts to the west lost population. Representative Ferguson admitted that the change will require more effort administratively, but assured Board members that she would continue to represent the entire town in matters concerning Westminster. She suggested that the proposal is unlikely to change, but invited Board members to contact Co-Chairmen Stanley Rosenberg (Senate) and Michael Moran (House) with any concerns or objections.

**BOARD OF HEALTH – MONTACHUSETT AREA PUBLIC HEALTH TASK FORCE**

Health Agent Elizabeth Swedberg and Board of Health Chair Patricia Glover were in attendance to update the Board on the progress of the Board’s involvement in efforts to regionalize certain public health services with a number of surrounding communities. Ms. Swedberg explained that the cities of Gardner, Fitchburg, and Leominster obtained a grant to explore regionalization opportunities. The group has recommended pursuing a shared services structure whereby each community would retain their respective Boards of Health, but certain services, such as communicable disease follow-up, public health

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promotion, prevention and education, and some inspection services would be available through a shared services agreement. Initially, the membership fee for participating in the group would be \$300 a year. Ms. Swedberg requested the Board's support for the next phase of the project, which is a joint application for an implementation grant. Ms. Michaud moved that the Board vote to support the implementation grant application. Mr. Walker seconded the motion; motion passed unanimously.

#### ESTABLISHMENT OF OLD TOWN HALL NEEDS ASSESSMENT COMMITTEE

Mr. Flanagan noted that the Town Hall Reuse Committee has disbanded and that the opinions of any of its former members will be considered as the opinions of those individuals. He stated that he felt it was important to know whether or not the Old Town Hall will be considered for use as a Senior Center. Ms. Michaud advised that she and Town Planner Stephen Wallace met with the Council on Aging last week and were informed that the seniors want to pursue the construction of a new building on West Main Street.

Betsy Hannula stated that there are many people and groups that have a need for this space, and reiterated the various uses identified in the Reuse Committee's report.

Board members agreed to issue a public notice requesting volunteers to serve on a new committee to be known as the Old Town Hall Needs Assessment Committee.

#### REVIEW/APPROVE REVISED BOARD/COMMITTEE HANDBOOK

This agenda item was postponed until the Board's next meeting on October 31, 2011.

#### EXECUTIVE SESSION

8:05 p.m. - Ms. Michaud moved that the Board enter into executive session to discuss strategy with respect to collective bargaining and to conduct collective bargaining negotiations; further, that the Chair declare that an open meeting may have a detrimental effect on the negotiating position of the Town, and that the Board adjourn directly from executive session. Mr. Walker seconded the motion. The motion passed unanimously on a roll call vote.

#### ADJOURNMENT

The Board adjourned from executive session at 8:55 p.m.

Respectfully submitted,

Wayne R. Walker, Clerk  
(Prepared by K. Murphy)