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

CALL TO ORDER

Ms. Michaud called the meeting to order at 6:00 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 announced that she had been notified by the Gardner News of an audio recording of the meeting being taken by another party.

APPROVAL OF WARRANTS

Board members reviewed and approved the following warrants:

January 17, 2012	Accounts Payable #42	\$142,854.43
	Payroll #43	\$156,545.60
January 19, 2012	Deduction #43D	\$138,289.88
January 23, 2012	Accounts Payable #44	\$ 28,969.18

CONTRACTS

Otis Elevator: Postponed until BOS meeting on February 6, 2012.

Brewer Construction: Ms. Michaud stated that this is a contract with Brewer Construction for \$2,840 for water damage repairs in the area underneath the Town Hall cupola. The repairs consist of removal of water damaged sheetrock and pipe insulation. The cost of repairs is being covered by the Town’s insurance company; the damage was caused during a heavy wind and rainstorm.

Mr. Walker moved that the Board approve a contract with Brewer Construction in the amount of \$2,840. Mr. Flanagan seconded the motion. The motion passed unanimously.

PLANNING MATTERS

Town Planner Steve Wallace was on hand to inform the Board of the Planning Department’s priorities for 2012 as follows;

- Managing Planning Board Caseload
- Master Plan
- Train Layover Station
- May Town Meeting Zoning Amendments
- Update Town Road Status Map
- Fill Regulations
- Economic Development Outreach

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Municipal Property Management  
Grants - Hazard Mitigation Grant  
MA Dept. Hsg. & Com. Dev. –Downtown Technical Assistance  
MassWorks Infrastructure  
District Local Technical Assistance (DLTA)

Mr. Wallace also informed the Board that he has received close to 450 responses to the Master Plan Survey. He said that the Master Plan Committee will hold a public forum at the Westminster Elementary School on February 9, 2012.

#### REVIEW OF UNMANAGED TOWN PROPERTIES

The Board agreed to review a list of the unmanaged town properties and make suggestions at a later date for the Town Planner.

#### LAYOVER STATION NOISE STUDY FUNDING

Ms. Michaud stated that Mr. Wallace had contacted noise specialists and obtained a quote of \$10,000 for a noise study. Ms. Michaud had spoken with a contact from the MART who indicated that they would be prepared to pay one-third of the cost of a noise study.

She also contacted Paul Hadley of the MBTA and he indicated that they would not fund one-third of the cost. Mr. Hadley also stated that there had already been two noise studies performed; the Westminster Board of Health and a study based on the FTA regulations. He also stated that there were no funds available from the Tiger grant. He indicated to her that the first study was a blind study not knowing which site would be selected. He did, however feel it was equitable based on the way it was done and felt a third study would just be redundant.

Mr. Bud Taylor expressed his concerns stating that he wanted to make it clear that he is not against this project but wants an environmental impact to be mitigated.

Mr. Taylor stated that noise standards were not properly used and that the project is in the engineering stage where a noise study should be done.

The Board agreed to review the documents that Mr. Taylor had submitted.

Mr. Flanagan asked the Board if this was more of a MEPA comment, notice of project change comment.

Town Planner Steve Wallace stated he did see the MEPA Notice of Change as one of the last opportunities to introduce evidence into the record. He also indicated that he needed to get some legal help to phrase this to go into the MEPA process.

The Board agreed that the Town Planner gather all Department Heads and review the project changes.

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Mr. Walker stated that if someone can point out to him in plain language that there was a requirement that was not followed regarding noise studies, either through MART or the MBTA of a regulation that they did not follow, then he would be prepared to include the information in the comments to MEPA.

Town Planner Steve Wallace indicated that he is still trying to figure out whose noise study standards apply. He spoke with DEP and they stated that DEP noise standards apply. Two weeks ago he met with MART and they said FTA noise standards applied.

Mr. Flanagan stated that the Board of Selectmen in 2010 put conditions on the approval which indicated they wanted higher standards of the DEP. He requested that the Board make this perfectly clear in the comments to the notice of project change.

Ms. Michaud indicated that it was her understanding that there was an environmental assessment by MRTA but it was not a requirement.

Ms. Michaud indicated that it was her opinion that requesting a noise study extension of time to June 30, 2012 was too long a period of time. She stated that a request should go to Town Meeting to request \$10,000 for a noise consultant to put a noise study together and incorporate the noise study as part of or input to the project change. Other options would be to hold a special town meeting or tap into the reserve fund which could speed up the process in terms of time.

Mr. Wallace stated he could work on an RFP now and as soon as he hears there is funding secured he can send the RFP out.

Mr. Walker stated there were two options; ask the Advisory Board for a request for reserve funds or schedule a special town meeting. He did not feel it was unreasonable to request a comment period extension to June 30, 2012. Then the noise study could be conducted the next day after the Special Town Meeting which is scheduled for May 5, 2012.

Mr. Flanagan expressed his concerns over the likelihood of getting an extension. He stated he was fairly confident that if the Board were willing to authorize the expenditure of a small amount of money to give the Town Planner the support he has been asking for, Town Counsel Kopelman & Page could easily respond to the issue of whether the EA was ever necessary and put Mr. Wallace on track to responding effectively to the MEPA project notice of change.

Mr. Flanagan moved that the Board approve a fee not to exceed \$300 to Kopelman & Page to give Mr. Wallace a head start. Mr. Walker seconded the motion for discussion purposes. Mr. Walker stated he would like specific questions asked of Town Counsel. Mr. Flanagan stated that questions would be:

1. Was the environmental assessment required?

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- 2. How to proceed with MEPA in order to best protect the interests of the Town.
- 3. Are the conditions of the April 26, 2010 Board of Selectmen’s approval enforceable?
- 4. At the original environmental assessment hearing, MART said they would abide by local permitting; can this be enforced?

Resident Keith Harding shared his concerns over his tax money being used for a study which the MBTA says they will ignore. He does not want money wasted on something that is leading nowhere.

Mr. Wallace summarized that he will get the MEPA notice of change out to all Department/Boards and invite all to submit their comments prior to a meeting in February. He will consolidate all questions and comments and send them along with a cover letter from Board of Selectmen.

Ms. Michaud was in agreement but wanted to voice the Boards’ concerns in the letter regarding the paying for the study and requesting an extension.

Chairman Michaud called for a vote on the motion. The motion passed unanimously.

ECONOMIC DEVELOPMENT COMMITTEE

The Board agreed to address at a future meeting.

7 PM ADJOURNMENT

Mr. Flanagan moved that the Board adjourn. Mr. Walker seconded the motion. The motion passed unanimously.

Respectfully submitted,

Wayne R. Walker, Clerk  
(Prepared by B. Kazan)