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Present: Joseph E. Flanagan, Wayne R. Walker, and Heather M. Billings

CALL TO ORDER

Mr. Flanagan called the meeting to order at 6:00 p.m. in the Selectmen’s Office at Town Hall. He announced that the meeting was being broadcast live and recorded by Westminster Community Access TV. He also confirmed that Kerrie O’Brien of the Gardner News will be doing an audio recording.

ANNOUNCEMENTS

- Congratulations and our continued thanks to Jen Shenk who the Worcester Telegram announced will be honored at the statehouse by the Massachusetts Commission on the Status of Women. She is named one of the 2012 Unsung Heroines.
- A local landmark is scheduled for demolition by the end of this month. The garage across from Westminster Cracker Factory will finally be demolished as the first step of the South Street Reconstruction Project.
- MART is renegeing on its promise to fund 1/3 of the \$10,000 cost for a noise study on the layover station. MART is using an article that appeared in last Tuesday’s Sentinel & Enterprise to justify its position.

Mr. Flanagan read the following statement: “Two reporters were present at last week’s technical review of the layover station. The Gardner News reporter, who has covered the layover station for years now, wrote an article so accurate that it was almost as boring an article as the meeting was itself.

The Sentinel article, written by a reporter very new to the subject, included a bombshell statement that “Mr. Flanagan said a written environmental assessment will be the key to any efforts to block the station”. The Sentinel reporter acknowledges what everyone who attended the technical review meeting knows to be true: no such statement was ever made – not even close.

Selectman Walker read a carefully written statement at Town Meeting explaining why the noise study should be funded. The Board of Selectmen has no intention of asking the Town to fund an environmental assessment to us in a David vs. Goliath fight with the MBTA and no Selectman has ever talked about ‘blocking the station’. Mr. Flanagan’s statement about the environmental assessment was simply a reiteration of what the proponent has been saying for months; unless the environmental assessment identifies a need for mitigation, no mitigation can be provided. Since January 23, 2012, the Board’s official policy has been to simply enforce the conditions of a prior Boards April 2010 conditional support for the layover station. The Board’s policy is Mr. Flanagan’s policy.

One request of the press. MART’s decision to make policy decisions based on what it reads in the press – rather than communicate directly with the communities it serves – may go even higher. The Federal Transit Administration itself on July 22, 2011, asked MART to transmit all local press articles on the Wachusett Project as soon as they are

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published. Westminster’s ability to negotiate the best possible project may have been crippled by the Sentinel & Enterprise account if the MBTA and Federal Transit Administration follows MART’s example. Mr. Flanagan asked that the press recognize its power in the process and use this power responsibly.”

APPROVAL OF WARRANTS/MINUTES

Mr. Walker moved that the Board approve the regular session minutes of May 7, 2012 as printed. Ms. Billings seconded the motion. The motion passed unanimously.

Board members reviewed and approved the following warrants:

May 8, 2012	Deduction #67D	\$155,825.91
May 14, 2012	Accounts Payable #69	\$ 86,380.96
May 21, 2012	Payroll # 71	\$168,065.81
	Accounts Payable #70	\$115,664.95

SBA TOWER REMOVAL BOND

Mr. Walker moved that the Board release the bond for the telecommunications tower located at 233 South Ashburnham Road in Westminster. Ms. Billings seconded the motion. The motion passed unanimously.

PAYROLL AUTHORIZATION REQUEST

Mr. Walker moved that the Board approve three payroll authorization requests for three Counselors for the Parks and Recreation Summer Program. Ms. Billings seconded the motion. The motion passed unanimously.

NEIGHBORS HELPING NEIGHBORS REQUEST

Mr. Walker moved that the Board approve a request from Neighbors Helping Neighbors to hold their yard sale on the grounds of the old Town Hall on Bacon and Pleasant Streets. Ms. Billings seconded the motion. The motion passed unanimously.

CDBG CLOSE-OUT AGREEMENT

Mr. Walker moved that the Board authorize the Chairman to sign the MA CDBG Close-out agreement for the Wachusett Animal Hospital. Ms. Billings seconded the motion. The motion passed unanimously.

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ECONOMIC DEVELOPMENT COMMITTEE

Town Planner Stephen Wallace was on hand to inform the Board that his intention is to come up with a charge for the EDC and also interview businesses and industries in Westminster with the end result being a marketing brochure for the Town.

He also mentioned that he hoped to have an economic development forum and bring in state officials to meet with businesses and discuss how the state can help.

Mr. Flanagan asked Mr. Wallace to come up with a mission statement at the first Economic Development Committee meeting.

ECONOMIC DEVELOPMENT COMMITTEE APPOINTMENTS

Mr. Walker moved that the Board appoint Joe Serio, Richelle Brown, Peter Munro, William (Bud) Taylor and Jeff Crowley. Ms. Billings seconded the motion. The motion passed unanimously.

DISCUSS CHARGE AND COMPOSITION OF RESOURCE MANAGEMENT PLAN COMMITTEE

Town Planner Stephen Wallace stated he would work on preparing a scope of work for the Resource Management Plan. The Board agreed to continue discussion after the scheduled earth removal permit hearing.

EARTH REMOVAL PERMIT HEARING (CONT.) – OAKMONT AVENUE

Mr. Flanagan declared the hearing open on an earth removal permit application from Bob Francis. The permit is to remove approximately 32, 500 cy of earth materials from his property on Oakmont Avenue (just after the Graffiti Bridge).

Mr. Chuck Caron and Chris McKenzie of Whitman & Brigham were in attendance on Bob Francis's behalf. Mr. Caron proposed that the first 25 feet of the entrance would be paved so there would be a smooth solid transition onto the roadway pavement. He also mentioned that they were meeting with the Conservation Commission at their June 6, 2012 meeting to discuss filing procedures and what type of mitigation plans are required.

Mr. Walker stated that whatever issues there are with the Conservation Commission are integral to the entire earth removal operation. He further stated that he is not comfortable with setting conditions or approving the permit until the Conservation Commission has met on June 6th and given the Board their recommendations and whatever measures they need to take for mitigation.

Mr. Flanagan mentioned that the Board of Selectmen has no appeal period for the earth removal permit so the Board would not be delaying the project.

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The Board agreed on the recommendation of Town Planner Stephen Wallace to ask the Conservation Commission if there are any conditions of approval that should come out of the June 6th meeting which the Board should be aware of prior to approving the earth removal permit.

Mr. Flanagan explained that a performance bond is mentioned in the Town's By Laws but the Board does not have to require a performance bond.

Mrs. Murphy explained that it is important for the Town to have this condition in the Rules & Regulations as it allows the Town to step in and do restoration if necessary. It is the Board's discretion as to whether or not they require a performance bond. She also recommended that the Board require As-built plans at the end of the project in order to ensure completion.

Mr. Flanagan requested that upon completion of the plan and mitigation agreement with the Conservation Commission that Mr. Caron contact the Town Administrator to get on the next Board of Selectmen agenda.

Mr. Walker moved that the Board postpone the hearing indefinitely. Ms. Billings seconded the motion. The motion passed unanimously.

RESOURCE MANAGEMENT PLAN COMMITTEE (Continued)

Mr. Flanagan moved that the Board amend the Resource Management Plan Committee to become a no greater than ten member Committee consisting of a member or designee of the following:

- Crocker Pond Recreation Area Committee or designee
- Board of Selectmen or designee
- Parks & Recreation Committee or designee
- Conservation Commission or designee
- Planning Board or designee
- Montachusett Regional Vocational Technical School – Non Voting member
- One Citizen-at-Large
- WEST
- Open Space Committee or designee
- Member of Biking Club

Mr. Walker seconded the motion. The motion passed unanimously.

GREEN COMMUNITY DESIGNATION

Joe Macchia was on hand to update the Board. He stated that the Town has met criteria 1, 2 and 5. The Energy Advisory Committee has prepared a "Fuel Efficient Vehicle Policy" to satisfy Criterion 3 which the Board will need to approve. This policy has been circulated among the Town departments. The Committee is working on preparing a plan

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for the Board's consideration in reducing the Town's energy consumption by 20% over the next five years. (Criterion 4).

The Board commended the Committee for its efforts.

PART-TIME PERSONNEL/PAYROLL CLERK POSITION

Based on the recommendations of the Personnel Board, Mr. Flanagan moved that the Board of Selectmen approve a change in the title of the position of Personnel Clerk to Personnel/Payroll Assistant, and that the position be upgraded from Grade 3 to Grade 4. Ms. Billings seconded the motion. The motion passed unanimously.

BOARD LIASON ASSIGNMENT

Mr. Flanagan moved that the Board appoint Laila Michaud as the BOS Designee to the Senior Center Building Committee. Mr. Walker seconded the motion. The motion passed unanimously.

Mr. Flanagan moved that the Board appoint himself as the BOS Representative to the Economic Development Committee. Mr. Walker seconded the motion. The motion passed unanimously.

6:54 PM EXECUTIVE SESSION

Mr. Walker moved that the Board enter into executive session to discuss strategy with respect to litigation, that the Chairman declare that an open meeting may have a detrimental effect on the litigating position of the Town, and that the Board reconvene in open session for the purpose of ratifying any votes taken in executive session. The motion was seconded and passed unanimously on a roll call vote.

7:30 PM RECONVENED

Mr. Flanagan announced that the Board had been considering advice from counsel with regard to litigation, but has elected not to take any action at this time.

ACCEPTANCE OF PEER REPORT

Mr. Flanagan inquired as to whether or not the Board wished to formally accept the Peer Report that was prepared by another town planner with experience with freight rail. Mr. Walker moved that the Board vote to accept the report and its recommendations. The motion was seconded and passed unanimously.

BOARD OF SELECTMEN POLICY RE LAYOVER STATION

Mr. Flanagan stated that he believes it is the Board of Selectmen's policy to see that the conditions are enforced that were attached to the April 26, 2010 Board of Selectmen letter of support for the layover station. He asked whether the Board would like to affirm or amend

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that policy. Mr. Walker stated that he did not see the need to take any action at this time; Ms. Billings stated that she needed more time to inform herself on the matter.

COMMENTS ON 60% LAYOVER STATION DESIGN PLANS

Stephen Wallace offered the following comments in addition to those previously provided with regard to the 60% design plans:

1. Add comment relative to team track recommendation from Peer Report.
2. Reiterate comment made in response at 30% stage regarding whether MBTA plans to honor MART's commitment to abide by noise limits.
3. Request written protocol for use of sixth track for freight.
4. Request document recommended by counsel.

Mr. Walker moved that the Board vote to add the above items to the Town's response to the 60% design plans. The motion was seconded and passed unanimously.

Mr. Flanagan moved that the Board's official policy (April 2010 letter) is prominently stated in the Town's response. The motion was seconded and passed unanimously.

Mr. Walker moved to authorize the Chairman to sign the letter when it is finalized. The motion was seconded and passed unanimously.

ADJOURNMENT

Mr. Walker moved that to adjourn at 7:38 p.m. The motion was seconded and passed unanimously.

Respectfully submitted,

Heather M. Billings, Clerk
(Prepared by B. Kazan)