



Town of Paxton
Board of Selectmen
697 Pleasant Street, Paxton, MA 01612
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Regular Meeting Minutes

Monday, December 5, 2011

Meeting Location: John Bauer Senior Center 17 West Street, Paxton, MA 01612

Members Present: William A. Trotta, Chairman
Peter Bogren, Jr., Vice Chairman
John F. Malone, Clerk

Carol L. Riches, Town Administrator

Attendees: Attendee List

The Chairman called the meeting to order at 7:00pm.

Paxton Housing Partnership Ground Lease

- Martha Akstin and Marvin Siflinger were both present to represent the Paxton Housing Partnership and speak in part on the Ground Lease for the Senior Housing project. Mr. Siflinger stated that the one issue that has not been settled is whether or not the Town should exercise the right as to whether or not at the end of the 99 year lease that the building should be demolished. Town Council recommended some additional language, because there concern was that the building remains in good condition if the developer does not maintain the building.
- Martha Akstin stated that the PHP voted that Town Counsels wording should not be included.
- **(PB)** stated that even though Town Counsel backed off the wording, that it was still not being accepted.
- Mr. Siflinger stated that the developer proposed different language that deleted a clause that was in Town Counsels original language. The developer will comply with the regulations and laws of the town. Your Town Counsel has expressed that these are now business issues and not legal issues and now this should be the decision of the Board of Selectmen. Mr. Siflinger continued to explain that regulatory oversights by government entities is what keep these types of developments on high quality standards. The developer is willing to commit for the full 99 year period.

- **(JM)** stated that since our last meeting after all of our discussions we agreed with Town Counsel and now the changes are not being accepted.
- Mr. Siflinger replied that the language could be improved and strengthened by adding neat and clean, which Town Counsel wanted, and that the 99 year lease states that it be kept in like new condition.
- **(PB)** replied that the government could say you have a roof, windows and heat, so it is habitable, but when it gets close to the end of the lease things that should be replaced are put off because it is near the end of the lease.
- Martha Akstin replied that what this is telling them is that the building needs to be kept in the same condition as it was when it was new.
- Mr. Siflinger replied that the difference between conventional and senior housing is that the financing is different. This authorizes the developer to refinance at the end of each 15 years. Allowing these developers to stay on the ball and keep up with these developments.
- **(PB)** My concern is that what if the government regulations change, and how do I make sure that I am doing the right thing for Paxton.
- Mr. Siflinger replied that the developer is concerned that with the like new language does that mean that after five years do they have to replace the roof and windows that are not like new anymore.
- **(PB)** We still need to get closer in the language between what Town Counsel proposed and what the developer wants.
- **(WT)** Do the government regulators come around on a certain cycle to check on the buildings, and do the tenants have a vehicle by which they can say that the building is in need of repairs?
- Mr. Siflinger replied that once a year the Mass Housing Finance people inspect the building and records, and an audit is done as well. This is an IRS regulated program and these are compliance variables that are critical. The IRS rules are comprehensive and intense.
- **(JM)** I agree with Peter and that if it is stated in paper it is good for 99 years.
- Martha Akstin stated that if you look at the projects that have been developed when they are turned over it has been very profitable to the town.
- **(PB)** Is it so bad that we ask for some protection for the town?
- Mr. Siflinger replied that you are setting standards that are inconsistent with the program. If the system continues and the town can decide to either maintain the property for the town, or the developer could talk about renewing the lease after 99 years.
- **(WT)** Can JK Scanlon sell the lease?
- Mr. Siflinger stated that yes, with discussions with the town. You are trying to set standards that I don't think any developer would agree to.
- **(PB)** We need to find a midpoint between like new and where we are.
- Mr. Siflinger stated that the third week of January is the next deadline, so we only have about six weeks to get in the game for funding. You need to be shovel ready and meet all the other criteria.
- **(JM)** Suggested that perhaps wording such as equivalent material would guarantee conditions to be maintained. We could bring in an expert to determine the condition of the building.
- Mr. Siflinger further stated that Town Counsel and I along with the members of PHP have worked diligently towards the wording of this lease. I feel that the addition of neat and clean is sufficient.

- **(JM)** Replied that his comfort is in what Town Counsel provided for an opinion.
- **(PB)** Perhaps if we have an independent company come in and tell the town the viability of the building near the end of the lease. There has to be some common ground between neat and clean versus like new. I feel that this is reasonable.
- Mr. Siflinger stated that ironically if the building is maintain in like new condition and we don't need improvements we won't be eligible for refinancing.
- **Motion (WT) to accept the language as written. With no second being heard I withdraw the motion.** We will need to sit down with Town Counsel one more time, and then meet with you one more time in about two weeks.
- Mr. Siflinger replied that we really need to just get everyone together in one room to hammer this out. The Town Administrator will set this meeting up.

Capital Improvement Committee Project Requests

- Carol Riches suggested that they may want to put in a request to have the Town Hall repainted and a new boiler installed in the near future. Will obtain a copy of the Capital Improvement Committees project spreadsheet for the board and Carol will keep up a master list of needs for the Town Hall.

Remote Participation

- **(CR)** This provides another option for meeting attendance, but they really don't want us to be using this. This is just an option.
- **(JM) Motion (WT) second to not fund this at this time, but to look at it in another year. Unanimous all in favor.**

Meeting Minutes

- **Motion (JM) seconded (PB) to approve the Meeting Minutes from November 21, 2011. Unanimous, all in favor.**

Lions Toll Road

- **Motion (JM) seconded (PB) to approve the toll road for the Lions Club to be held on Saturday, December 10, 2011 from 8am to 12pm. Unanimous, all in favor.**

Release Executive Meeting Minutes

- **Motion (JM) seconded (WT) to release the following Executive Meeting Minutes. 2/22/11, 2/8/11, 1/10/11, 3/2/2009, 2/2/2009, 7/23/2007. Unanimous, all in favor.**

Resignation of George Howatt

- **Motion (JM) seconded (WT) to accept with regret the resignation of George Howatt from the Council on Aging. Unanimous, all in favor.**

Premises license renewal applications

- **Motion (WT) seconded (JM) to approve the premises license renewal applications. Unanimous, all in favor.**

Town Administrators Update

- The Department Managers met on November 16th and enclosed for your information is a copy of the minutes from that meeting.
 - (WT) Discussion about the meeting minutes provided. Requested that a plan be put into place to have hydrants cleared out after snow storms. No such plan has been provided. We should have the Fire and Police Chief meet with AMC to discuss the difficulties that the fire department is having with false alarms.
 - (CR) These are not malicious alarms, but are due to the construction of the new building, and some sensitivity problems.
 - (WT) New ambulance lease to be presented at the next ATM. I would like to see a full report on this.
 - (JM) They could not run the new ambulance in the warm weather due to a broken air conditioner, so the backup ambulance was used more than expected.
 - (WT) Why will be losing the breathalyzer?
 - (JM) The grant is going away.
 - (WT) How often do they utilize it?
 - (WT) 911 calls are now going directly to dispatch. Is this for cell phone calls?
 - (WT) Chief Conte has a concern over completing the ethics training for his entire department. We have computers at the station and library.
 - (CR) You can also do a group training to cover this. (WT) Run this over with Jay.
- The Recreation Commission asked that I inform the Board that once Baseball has completed the bathrooms at the Center Fields and are accepted by them, the Commission will be responsible for their upkeep and maintenance.
- Following requests from various organizations to help with the Paxton Festival I contacted the organizer of the previous Paxton Festival event to arrange a meeting to provide him with support. He indicated that he would like to continue doing this event at his own speed. I have therefore arranged a meeting for next Thursday to drum up interest in a summer event that everyone can be part of. This effort will provide a venue for the various organizations in Town to showcase their events and missions; whilst at the same time providing entertainment to our residents.
- The 250th Anniversary Committee has requested permission to set up a table outside in the hallway at the Paxton Center School on December 12, 2011; the date of the Special Town Meeting. They would like to provide an opportunity to display the 2015 Town Throw.
- **Motion (WT) seconded (JM) to allow the 250th Committee to set up a table outside in the hallway at the Paxton Center School on December 12, 2011 during the Special Town Meeting as long as it does not interfere with the running of the meeting. Unanimous, all in favor.**

Next meeting scheduled for Tuesday, December 20, 2011 at 7:00pm

Adjourned Meeting at 8:30pm, Unanimous all in favor

Respectfully submitted,

Donna Graf-Parsons, Administrative Assistant

Documents filed with Meeting Minutes:

Agenda

Attendance list

Executive Meeting Minutes listed for release

Documents from the Meeting filed in BOS office:

Town Administrators Update

William A. Trotta
Chairman

Peter Bogren, Jr.
Vice Chairman

John F. Malone
Clerk