

Board of Selectmen Minutes 05/07/2012

[Printer-Friendly Version](#)

Board of Selectmen	May 7, 2012
Regular Meeting	Selectmen's Meeting Room, Town Hall

Present:	Robert P. MacKendrick III, Chairman
	Al Merritt, Selectman
	David Nelson, Selectman

Chairman MacKendrick called the meeting to order at 7:00 p.m. He announced that the meeting was being recorded for cable television.

Donation from Kelly Automotive Group

Police Chief David Breen appeared before the Board to accept a donation of \$3,900 from Brian Kelly of Kelly Automotive Group for the annual lease of a Police Department motorcycle. Chief Breen said that he approached Mr. Kelly some months ago about the need for a motorcycle and Mr. Kelly was immediately responsive. He said the motorcycle will be used for traffic enforcement and other uses. He thanked Mr. Kelly for his generosity.

Mr. Kelly said that Chief Breen brought this idea to him and said the motorcycle would be good for crowd control at events, and would also serve as a point of interest during presentations at schools. He said that it is a worthwhile cause and Lynnfield is a great town in which to do business.

Members of the Board asked if the donation was for one year only. Mr. Kelly said he would be open to renewing the donation for the annual lease.

Selectman Merritt asked about the new vehicle's role in dealing with motorcycle-related noise complaints. Chief Breen said that the motorcycle will be used for motorcycle enforcement. He said a compliance check for motorcycles will be held at the Lynnfield Middle School on Sunday, in cooperation with the Massachusetts Motorcycle Association. Motorcycles can be brought to the event to check whether they comply with Massachusetts laws.

Application for a livery license

Timothy Daly of Customhouse Coach Livery Service, 5 Pyburn Road, came before the Board with an application for a livery license. Mr. Daly submitted his driving record, an application, Division of Industrial Accidents insurance form and a check for the \$25 annual fee. He told the Board that he is starting a business and that to transport customers to the airport he needs either a letter from the Town or a livery license. He is seeking a license for one sedan, his personal vehicle, which will be equipped with livery license plates and parked at his home.

Town Administrator William Gustus said that the Town's bylaws allow the storage of one commercial vehicle, of a weight of up to 2.5 tons, at a residential property.

On the motion of Selectman Merritt, seconded by Selectman Nelson, the Board unanimously approved a livery license for one vehicle for Timothy Daly, d/b/a Customhouse Coach, at 5 Pyburn Road.

LIFE Pricing Policy and Price Changes

H. Joseph Maney, Chairman of the Board of Directors for Lynnfield Initiatives for Elders, Inc. (LIFE), appeared before the Board to request its approval for changes to LIFE's pricing policy and its unit pricing.

Mr. Maney said that LIFE has three sources of revenue used for its replacement fund, which provides funds for maintaining and upgrading its housing units. One is investment income on the funds it has accumulated, a second is the \$30-per-month charged to each unit owner, and the third is funds received during the sale of units. When a unit is sold, LIFE and the seller split equally the difference between the price the seller paid when he purchased the unit and the price for which the unit is being sold. LIFE has not changed the pricing of its units for five years, and in some recent cases, there is no difference between the price the seller paid and the new sales price.

Mr. Maney also told the Board that when unit owners are allowed to transfer to another unit within the LIFE housing developments, they are required to pay an upgrade fee, to provide for the cleaning, re-carpeting and repainting of the unit. Due to the age of many of these units, oftentimes heating, ventilation and air conditioning systems, hot water heaters, and kitchen and bath upgrades are sometimes required as well. The current fee schedule is \$10,000 for Essex Village units, \$8,000 for two-bedroom units at Center Village and \$6,000 for one-bedroom units at Center Village.

Mr. Maney said that due to the costs of making these upgrades, LIFE, Inc. is seeking a pricing policy change that would apply these fees to every turnover of a unit and not just for internal transfers. The proposal is to deduct this fee from the proceeds of a unit sale before applying any division

of the difference between the purchase price paid by the seller of the unit and the purchase price being paid by the buyer.

In addition, LIFE, Inc. is seeking to increase the pricing for its units at Center Village and Essex Village as described below:

Essex Village: increase price from current \$199,000 to \$229,000

Center Village (one bedroom): increase price from current \$139,000 to \$150,000

Center Village (two bedroom): increase price from current \$169,000 to 184,000

Mr. Maney told the Board that the charter under which LIFE operates requires that the Board of Selectmen approve any change in pricing and in pricing policy.

Selectman Merritt asked how LIFE sets the prices of its units. Mr. Maney said that in the past, LIFE hired appraisers but found that there were few comparable housing units in Lynnfield. Today, the condominiums at Partridge Lane and Pyburn Road would be the most comparable, but prices in these are much higher than those that LIFE seeks. In general, LIFE units are 80 percent or less of market value, and 60 percent or less in the case of one-bedroom units. Mr. Gustus said that even the designated affordable units in the Partridge Lane and Pyburn Road developments sell for much higher prices than those for the LIFE units.

On the motion of Selectman Nelson, seconded by Selectman Merritt, the Board unanimously approved the proposed policy change as requested by the Board of Directors of LIFE, Inc., under which LIFE will charge the following fees upon any transfer of a residential unit, the amount of which will be deducted from any difference between the previous purchase price and the current purchase price before that difference is shared between the seller and LIFE, Inc: 10,000 for Essex Village units, \$8,000 for two-bedroom units at Center Village and \$6,000 for one-bedroom units at Center Village.

On the motion of Selectman Nelson, seconded by Selectman Merritt, the Board unanimously approved the following pricing schedule as proposed by the Board of Directors of LIFE, Inc.: Essex Village units - \$229,000; Center Village units (one bedroom) - \$150,000; Center Village units (two bedroom) - 184,000.

Tripartite Agreement between the Town, LIFE, Inc. and National Development and Update on Market Street at Lynnfield Development

Theodore Tye, managing partner for National Development of Newton Lower Falls, appeared before the Board to discuss the second amendment to the Tripartite Agreement between the Town of Lynnfield, LIFE, Inc., and National Development.

Mr. Tye said that the basic business deal, including the monetary portion, between the three parties has not changed. The timing of events has changed, as the Town has asked that the land being donated to the Town be conveyed within the first 15 days of the granting of the first building permit on the Market Street at Lynnfield project, which Mr. Tye said should take place in September of this year. National Development will be donating approximately seven acres to the Town of Lynnfield; the agreement calls for the sale of a parcel to LIFE, Inc. by the Town. The revised tripartite agreement also addresses the timing of infrastructure installations. Easements requested by the Town are now in place.

Mr. Gustus said this revised agreement is the result of months of discussions between the three parties, who believe this is the best way to move forward. It took some time to work out the easement issue, which provides access to the municipal golf course land and the LIFE parcel, with the Planning Board handling much of that issue. The agreement also memorializes the agreements about the change in the development plan.

Selectman Merritt asked Mr. Maney if LIFE, Inc. was in agreement with the proposed tripartite agreement. Mr. Maney said LIFE, Inc. is satisfied, but would have preferred a reduced sales price for the land it is purchasing from the Town. He said that two-bedroom units at Colonial Village will be priced in the low \$400,000 range for townhouse units and in the high \$300,000 range for units in the larger building. He said that this development will have many amenities such as underground parking and elevators that will justify the higher prices. Mr. Maney said there are still 270 people on the LIFE waiting list. LIFE, Inc., must still seek cost estimates for the development and negotiate with bank for financing. The cost of the project is probably up 10 percent from four years ago, Mr. Maney estimated.

On the motion of Selectman Nelson, seconded by Selectman Merritt, the Board voted unanimously to approve the Second Amended and Restate Tri-Party Agreement (see attached exhibit) as presented. Board members signed and executed the agreement, as did Mr. Tye and Mr. Maney.

Mr. Tye said that site work has begun in earnest at the development site. Buildings have been taken down, erosion control measures have been implemented, and heavy site work has begun, with grading operations and the building of the berm behind residential parcels to take place. The loop road will be built and utilities are being installed. The bulk of the infrastructure work will be completed by this time next year. In the first phase of the project, retail and office space is being developed and the 30,000 square feet of community space will be constructed. He hopes that shortly after the commercial portion of the development is completed, work will begin on the planned 180 residential units.

Commercial leasing has been strong, with some tenants already announced and others to be announced soon. The first phase of the development is "pretty committed at this point": in terms of leasing. National Development has commitments to tenants to be open by the end of 2013. Mr. Tye said during the last few years, he has observed other similar developments and noted what works well and what does not. He feels that Market Street will be the best in its class.

Selectman Merritt asked about a website maintained by National Development through which residents can be updated about the project. Mr. Tye said www.marketstreetconstruction.com provides advisories on construction issues, the project schedule, photos and contact information. Due to the heavy construction, the site cannot be visited safely, so photos on the website will have to suffice for the curious.

Selectman Merritt asked about construction work on Walnut Street. Mr. Gustus said that the state's Department of Transportation is tweaking the traffic light cycles on Salem Street at Walnut Street, and will do so again once the other lights are operational, which should be sometime this month of in June.

Bonding for Fiscal Year 2011 capital program

Mr. Gustus told the Board that the Town is preparing to issue bonds for the financing of the Fiscal Year 2011 capital program, approved by voters at Town Meeting in April of 2010. The preparation of documents for the borrowing requires the Board to determine the useful life of equipment to be purchased, as state law does not allow a municipality to borrow for a term greater than the useful life of that item. Mr. Gustus said that the Town will soon be borrowing for the Lynnfield High School addition project.

Selectman Merritt asked about the interest rate on the capital plan borrowing. Mr. Gustus said that the coupon on the borrowing will likely be about four percent.

Selectman Nelson read the following document:

I, the Clerk of the Board of Selectmen of the Town of Lynnfield, Massachusetts, certify that at a meeting of the board held on May 7, 2012, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with a portion of the proceeds of the \$1,147,032 borrowing authorized by the vote of the Town passed April 25, 2011 (Article 11) is hereby determined pursuant to G.L. c.44 §7(9) to be as follows:

Purpose	Borrowing Amount	Maximum Useful Life
Technology	\$250,000	5 years
2011 Chevrolet Tahoe 4WD Special Vehicle	\$31,237	5 years
2011 Chevrolet Tahoe 2WD Pursuit Vehicle	\$28,212	5 years
CF31 Toughbooks with Software (2)	\$20,600	5 years
Protective Gear	\$10,000	5 years
Portable Radios and Pagers	\$20,000	5 years
South Fire Station Improvements	\$55,000	30 years
Furniture and Furnishings	\$7,488	30 years
Vehicle/Replacement Trucks #1, #3, #6, #20	\$245,000	5 years
Loaders 544B, 300B	\$180,000	5 years
Radio Upgrade – FCC narrow band req.	\$9,000	5 years
Upgrade Equipment, Small	\$5,000	5 years
“Bat Wing” – mower attachment	\$22,000	5 years
High School – field upgrade, resod	\$30,000	15 years
Small equipment – chain saws, tools, etc.	\$2,000	5 years
Storm Water Compliance	\$10,000	20 years
Floor Tile Replacement – card room	\$6,000	30 years
Basement waterproofing, pump replacement	\$18,000	30 years
Purchase new “Genie Lift”	\$8,000	5 years
9” Road Sign Replacement	\$5,000	5 years
Drain Improvements	\$50,000	30 years
Street Lamp Replacement Program	\$5,000	10 years
Pillings Pond Improvements	\$25,000	5 years
Storage Configuration	\$66,000	5 years
Server Virtualization	\$38,500	5 years
TOTAL:	\$1,147,037	

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method

of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c. 30A, §§18-25 as amended.

Dated: May 7, 2012 David M. Nelson, Clerk of the Board of Selectmen

On the motion of Selectman Nelson, duly seconded by Selectman Merritt, the Board voted to approve unanimously the declaration of useful life of capital equipment as listed in the document.

Administrative matters

The Board accepted with regret the resignation of Christopher Barrett, elected to the School Committee in April, from the Recreation Commission. The Board members said that Mr. Barrett had done an outstanding job on the Recreation Commission and that they look forward to working with him in his new role on the School Committee.

On the motion of Selectman Merritt, duly seconded by Selectman Nelson, the Board voted to approve unanimously the request from the Cystic Fibrosis Foundation to have a banner advertising the Great Strides event placed above the common through May 20, 2012.

On the motion of Selectman Merritt, duly seconded by Selectman Nelson, the Board voted to approve unanimously the minutes of the meeting of April 20, 2012 as submitted.

On the motion of Selectman Merritt, duly seconded by Selectman Nelson, the Board voted unanimously to adjourn at 7:43 p.m.