



MEMORANDUM

TO: Board of Selectmen

FROM: John C. Curran, Town Manager

CC: Susan Aker, Cathy O'Dea

SUBJECT: Town Manager's Report, July 10, 2017

DATE: July 10, 2017

Accepted Ways

This office has been working with Town Counsel to streamline the street acceptance process. It has been an enlightening process. K & P has sent us a boiler plate waiver form to provide petitioners that are interested in embarking on the process. However, that being said, the requirement to receive these waivers does not take into account some obvious inherent protections if this requirement is not fulfilled. Specifically, if a way is properly laid out and certified plans are available there is no real claim for damages available to an owner with rights in a way. If nothing is being changed by acceptance of the way it is highly unlikely that damages would be awarded. This fact should not preclude the Town from pursuing the acceptance of a way if all of the owners with rights in the way have not signed releases.

I have requested Town Counsel provide documented interpretation of General By-Law 5.2-5.5 clarification for future use of this by-law. I will keep the Board posted.

Appraisal Ch.61A – Parcel 37-5-1 Billerica, MA

The Assessor has received the appraisal from Brice Appraisal Services for the Ch.61A parcel on Nashua Rd. The appraisal is \$15,000 higher than the asking price. This is not a substantial difference than the asking price. The Assessor can use it for valuation purposes to recoup back taxes but it will not significantly impact the valuation based on the asking price.

It is my recommendation that the BOS not take any action to purchase this property for reasons discussed previously. The use being proposed on the lot is consistent with the uses on Sullivan Road. Based on the wetland issues on this property the use would be located on the back of the lot closer to Sullivan Road. It would not detrimentally impact any future rezoning considerations by the Town to place more compatible uses next to each other on Nashua Road. Additionally, this appraisal does not present any compelling reason to purchase the site.

The easiest way to accomplish this is for the Board to make a positive vote to set up a special meeting in August to purchase the property and vote it down.

Zoning By-Law Review

The Zoning By-Law Review Committee is requesting significant legal review of the Zoning By-Law to determine if different parts of the Zoning map were recorded contrary to Town Meeting Action. As this is an item not covered by the retainer, it will add significant costs to our legal account. This work is necessary but I wanted the BOS to be aware of it because it was a concern expressed at the Finance Committee in regard to the legal contract.

Financial Transfers

End of year transfers were approved by the Finance Committee last week.

A transfer for \$75,000 from “Interest on Temp Loans” to “Legal Expenses”.

A transfer for \$20,000 Ambulance Personnel to Overtime.

A transfer for \$40,000 Police Personnel to Overtime.

A transfer for \$60,000 Fire Personnel to Overtime.

An appropriation from the Finance Committee Reserve Fund was approved to fund the special election to replace Senator Donnelley. This appropriation is approximately \$25,000.

Fall Town Meeting Warrant

Warrant Articles are due by August 14th for the Preliminary Warrant. The Preliminary Warrant must be posted by August 24th. If the Board plans on meeting in August it should be done before the 24th to give you an opportunity to approve the Warrant. If the Board does not want to meet in August I can send the Warrant to the BOS in enough time for the Board to decide if it needs to meet to approve the warrant otherwise it can be done before the final warrant.