

Board of Selectmen  
February 25, 2021  
Via Zoom\*

Stanley Wysocki  
Robert Czekanski  
Jonathan Keep  
Don Lowe, Town Administrator  
Jenny Jacobsen, Town Secretary

Approved by Zoom  
on 3/11/2021  
by SW RC JK  
OO

Mr. Czekanski called the meeting to order at 6:15 p.m. and provided an overview of the rules of conduct in the remote meeting environment.

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to enter executive session pursuant to M.G.L. c. 30A, Sec. 21, Purpose 7, to comply with or act under the authority of the Public Records Law (M.G.L. c. 66) and the holding in Suffolk Construction Co., Inc. v. Division of Capital Asset Management, to review a confidential attorney-client communication at 6:15pm. (Czekanski-yes, Keep-yes, Wysocki-yes)**

The Board reconvened in open session at 7:00 pm.

#### DOG NUISANCE HEARING

Mr. Czekanski read the hearing notice into the record. *The Board of Selectmen will hold a public hearing on Thursday, February 25th at 7:00 p.m. using Zoom, at the request of Animal Control Officer (ACO) Phyllis Tower to discuss the dog belonging to Judy Francisco of 752B Main Street.* The hearing notice was served and posted as required by law.

Ms. Francisco and Ms. Tower were in attendance. Introductions were made and the participants were sworn in.

Mr. Wysocki noted that Ms. Francisco resides at the home of Selectmen Keep. Mr. Keep stated that he will not be participating in the discussion though he will remain in attendance.

Ms. Tower stated her complaint based on Bolton Bylaw 110-3 which states that dogs cannot run at large. Two of Ms. Francisco's dogs have been at large and were picked up on Route 117. Ms. Tower recounted the dates of incidence; June 21<sup>st</sup>, 2020, August 18<sup>th</sup>, October 9<sup>th</sup>, and January 31<sup>st</sup>, 2021. An email was sent on October 9<sup>th</sup>. In addition to multiple emails, a letter was sent on December 22, 2020. A hearing notice was sent on February 5<sup>th</sup>. On February 8<sup>th</sup> the dog was picked up by a motorist.

Ms. Francisco clarified that there is one dog involved, a Jack Russell Terrier and apologized for the inconvenience. She stated that no accident has been caused and she has been keeping him leashed since.

No one spoke in support of Ms. Francisco or the complaint.

Mr. Lowe noted that Ms. Francisco stated that she had taken preventative measures.

The Board asked Ms. Tower for recommendations. Ms. Tower recommended a 6-foot-high chain link pen with a cover be installed off the house. The floor needs to be solid and doors need to be locked without keys in them. The pen needs to be attached to the house.

**On a motion made by Czekanski and seconded by Wysocki the Board voted by roll call 2-0-1 to declare Ms. Francisco's dog to be a nuisance dog. (Czekanski-yes, Keep-abstain, Wysocki-yes)**

**On a motion made by Czekanski and seconded by Wysocki the Board voted by roll call 2-0-1 to accept the recommendations of the Animal Control Officer. (Czekanski-yes, Keep-abstain, Wysocki-yes)**

**On a motion made by Czekanski and seconded by Wysocki the Board voted by roll call 2-0-1 for a review of the plan at the next meeting in two weeks and that the project be complete and ready for inspection by the ACO and building inspector by April 1<sup>st</sup>. (Czekanski-yes, Keep-abstain, Wysocki-yes)**

**On a motion made by Wysocki and seconded by Czekanski the Board voted by roll call 2-0-1 to close the hearing at 7:32 pm. (Czekanski-yes, Keep-abstain, Wysocki-yes)**

LOVECRAFT HOST COMMUNITY AGREEMENT, 58 MAIN STREET

The Board provided comment on the recent draft of the Community Host Agreement.

Mr. Czekanski stated disappointment with the most recent draft of the proposed Host Community Agreement citing the lease arrangement and lack of clear plan as reasons.

Mr. Keep stated that the applicant met many of the raised concerns and speculated that the nature of the product raises the business to extra levels of scrutiny. Mr. Keep was in support of moving ahead with the proposal to fill a vacant business in town.

Mr. Wysocki was uncomfortable with the delivery aspect of the proposal. He recognized the tax revenue but was not in support of the proposal. Mr. Wysocki was also concerned over the lack of a clear and concrete plan for the business.

The Chair opened the meeting to public comment.

Adam Costa spoke representing a number of residents on Bolton Woods Way and reiterated concerns raised in his letter to the Board of Selectmen of January 13, 2021.

Residents Jake Steinmann, Lou Varadi Leo Tomkins and Joan Bicchieri also voice questions and concerns.

Mr. Catt of Lovecraft reminded the Board that the Town voted in sale of marijuana and the zoning designation. He reiterated his intention to work diligently to create a buffer between the residential neighborhood.

**On a motion made by Czekanski and seconded by Wysocki the Board voted by roll call 2-1 to cease negotiations with Lovecraft of Massachusetts on a Host Community Agreement for potential marijuana retail, marijuana product manufacturing, and marijuana cultivation establishment at 58 Main Street and decline to enter an agreement due to lack of vision of the operations as requested by the Board of Selectmen since the beginning of negotiations; this adversely affects the residential neighborhood, the school bus stops, and the residential street. (Wysocki-yes, Keep-nay, Czekanski-yes)**

#### **BOLTON ACCESS TELEVISION**

Nicky McGachey updated the Board on activities of Bolton Access Television. They are busy preparing from annual Town meeting in May.

**On a motion made by Wysocki and seconded by Czekanski the Board voted by roll call 2-0-1 to approve Bolton Access Television's request for 2020 Q4 Comcast Funds and Comcast Capital in the amount of \$38,532.26. (Wysocki-yes, Keep-abstain, Czekanski-yes)**

#### **FIRE DEPARTMENT CAPITAL REQUESTS**

Fire Chief Legendre appeared before the Board to address the department's capital requests for FY22 which include a new ambulance and a pumper rescue fire truck to replace engine 2. The cost of the purchases is \$800,000 for the fire truck and \$257,000 for the ambulance. The ambulance would be paid for from ambulance receipts and the fire truck would be a borrowing that wouldn't appear in the budget until FY23. The Department is currently having problems with Engine 1 which is being assessed by the pump vendor at which time a decision will need to be made to determine which engine will be prioritized.

#### **TOWN ADMINISTRATOR REPORT**

##### Covid-19 Update

Bolton has five new cases which brings the Town to the yellow status with a 3.77 % positivity rate over the last 14 days. The state positivity rate over the last 14 days is 1.85% which is the lowest it has been for several months.

##### Grant Update

The Master Plan Committee and the Town Planner landed a grant from the MAPC for 60 hours of consultant work toward our Master Plan.

##### Town Planner

Mr. Lowe introduced the new Town Planner Valerie Oorthuys who will be starting in the position on March 15<sup>th</sup>. Ms. Oorthuys did her planning education through Tufts Urban Environmental Policy and Planning Program after which she was the Assistant Town Planner and GIS coordinator for the Town of Stow. She is quite familiar with the area and is looking forward to returning.

**On a motion made by Wysocki and seconded by Czekanski the Board voted by roll call 3-0 to appoint Valerie Oorthuys as the Town Planner. (Wysocki-yes, Keep-yes, Czekanski-yes)**

##### Housing Production Plan

Mark O'Hagen and Erica Uriarte to updated the Board and request support for the Housing Production Plan which has gone through a 30-day public comment period and incorporated comments received in the final plan. There have been no substantive changes.

**On a motion made by Wysocki and seconded by Czekanski the Board voted by roll call 3-0 to approve the Housing Production Plan and let them send it to the state. . (Wysocki-yes, Keep-yes, Czekanski-yes)**

#### Planning Board Fee Schedule

**On a motion made by Wysocki and seconded by Czekanski the Board voted by roll call 3-0 to approve the changes to the Planning Board fees. . (Wysocki-yes, Keep-yes, Czekanski-yes)**

#### Appointments

Erica Uriarte recommended the appointment of Gabrielle Lommano to the Zoning Board of Appeals.

Ms. Lommano works for the District Attorney's office. She moved to Bolton in 2020 and looks forward to working on the Board.

**On a motion made by Wysocki and seconded by Czekanski the Board voted by roll call 3-0 to appoint Gabrielle Lommano to the Zoning Board of Appeals. (Wysocki-yes, Keep-yes, Czekanski-yes)**

Erica Uriarte recommended the appointment of Larry Cedrone to the Economic Development Committee. Mr. Cedrone moved back to Bolton a year ago from South Carolina in time for the pandemic.

**On a motion made by Wysocki and seconded by Czekanski the Board voted by roll call 3-0 to appoint Larry Cedrone to the Economic Development Committee. (Wysocki-yes, Keep-yes, Czekanski-yes)**

Mr. Cedrone reviewed his diverse experience working on the PTA to running the YMCA.

#### Retiree Eligibility for Health Benefits

Human Resources Director Kristen Noel updated the Board on retiree health benefits. Currently the town pays 70% and the retiree pays 30%. Currently retirees from other towns who had previously worked for Bolton could be eligible for this benefit from Bolton if the town they work for pays a lesser amount. The Board was eager to fix this loophole.

**On a motion by Wysocki and seconded by Keep the Board voted by roll call 3-0 to accept the recommendations from Human Resources Director Kristen Noel to change the eligibility for future retirees in our current health plan and in the administrative bylaw. (Wysocki-yes, Keep-yes, Czekanski-yes)**

#### SELECTMEN BUSINESS

##### Public Service Announcements

Mr. Lowe announced that there is space on the Public Ways Safety Committee meeting. The Board does not currently have any members with school age children and they would welcome this perspective of child safety.

Mr. Czekanski reminded the public to preregister for the Zoom Caucus on March 8<sup>th</sup>, 2021. There are open slots on various committees. If residents are interested in getting involved it is a great opportunity to see how government works.

Mr. Czekanski provided details on how to register to vote for residents interested in participating in Town Meeting in May.

##### Animal Control Officer Designations

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to approve the animal control officer designations for Phyllis Tower and Pamela Johnson (Czekanski-yes, Keep-yes, Wysocki-yes)**

##### Review of Draft Warrant for ATM 5-3-21

Mr. Lowe reviewed the changes to the warrant since the last meeting. March 11<sup>th</sup> will be a detailed walkthrough. Mr. Lowe highlighted the changes including addition of the article for second signature for revolving fund for ALS in excess of \$25K. An article has been added for money to deal with emergency repairs to the Waste Water Treatment facility should they be necessary. The article will take the balance of the stabilization fund in the amount of \$21,041.34 and \$25,000.00 from free cash to fund the article. The amount of the ambulance article was adjusted to \$257,000.00.

Mr. Keep inquired as to the institutional knowledge related to Century Mill Estates during this transitional point of institutional knowledge. Mr. Lowe commented that Erica Uriarte has been keeping meticulous notes and has offered to be available by phone to assist the new Town Planner.

Bills/Payroll warrants

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to approve bills/payroll warrant W21-17 & W21-17A. (Czekanski-yes, Keep-yes, Wysocki-yes)**

Minutes

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to approve the minutes of February 11<sup>th</sup>, 2021 and January 28<sup>th</sup>, 2021. (Czekanski-yes, Keep-yes, Wysocki-yes)**

Executive Session

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to enter executive session at 8:49 pm pursuant to M.G.L. Chapter 30A Section 21A (3) to discuss strategy with respect to collective bargaining for the AFSCME, Council #93, DPW Unit, as the Chair finds that an open meeting may have a detrimental effect on the Board's bargaining position and with respect to M.G.L. Chapter 30A Section 21A (2) to discuss strategy related to contract negotiations with non-union personnel. The Board will return to session for a possible vote. (Czekanski-yes, Keep-yes, Wysocki-yes)**

The Board reconvened at 9:12 pm.

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to ratify the Memorandum of Understanding between the Town of Bolton and the AFSCME, Council #93, DPW Unit. (Czekanski-yes, Keep-yes, Wysocki-yes)**

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to adjourn at 9:13pm. (Czekanski-yes, Keep-yes, Wysocki-yes)**

Respectfully submitted by Jenny Jacobsen

*\*All attendees participated remotely via Zoom Remote Conferencing pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c. 30A Section 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place.*