

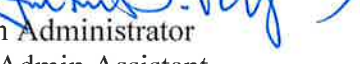


Board of Selectmen
November 7, 2019

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

Mr. Wysocki called the meeting to order at 7:00 p.m.

POLE HEARING

Representative, Robert Williams of National Grid came before the Board on the petition to install 1 jointly owned pole on East End Road beginning at a point approximately 80 ft N/NW of the centerline of the intersection of East Main Street. National Grid to install a new joint owned pole (P#0-50) approximately 85' SSE of existing Pole #1 East End Road. Pole to be installed approximately 4' of roadway. Pole to be used for system reliability equipment.

(Wysocki – yes, Czekanski – yes, Keep - yes)

Mr. Williams stated that there is plenty of room for the mail truck to get in and for the homeowners to get to the mailbox. The installation will keep outages from happening during storms or high wind. Mark Caisse, the tree warden was notified but did not attend.

Czekanski moved to close the hearing. Keep seconded. Passed unanimously.

There was no further discussion.

Czekanski moved to approve the request from National Grid to install a jointly owned pole on East End Road per the included diagram. Keep second. Motion passed 3-0.

APPOINTMENTS:

Chief Nelson appeared before the Board and introduced the new Reserve Officer Tyler Lu. He was at the top of a pool of 75 applications. He has his reserve intermittent credentials. He is currently a project manager for a real estate agency. He has a little bit of experience with Newton. D. Lowe reviewed the packet and it reads very well. HR has reviewed as well.

Reserve Officer Lu gave the Board a summary of his interest in the position.

On a motion made by Czekanski and seconded by Keep the Board voted 3-0 to appoint Tyler Lu to Reserve officer.

On a motion made by Czekanski and seconded by Keep the Board voted 3-0 to appoint Chuck McCormack to the Council on Aging.

DISCUSSION OF CHAPTER 90, SECTION 17C IN THE TOWN CENTER TO CHANGE THE SPEED LIMIT.

Mary Ciummo, Chief Nelson and Leslie Breeze appeared before the Board. Ms. Ciummo reported that the Public Ways Safety Committee has been looking into implement this particular section ever since the Municipal Modernization Act has come into law. With the MassWorks project and the Complete Streets Initiative started, they believe that now is the right time. 17C from Chapter 90 and Mass DOT's directive don't complement each other at all. The Committee feels that the language in 17C only mentions thickly settled.

First approach is to approach DOT with the request and then approach the Selectmen to approve the speed change.

Mr. Lowe agreed that because 17C references thickly settled areas logic dictates that thickly settled areas are usually posted at 30 MPH. What good is the law if most of the thickly settled areas can't be reduced.

Chief Nelson agrees but cautioned that our interpretation may be different from Mass DOT. 90(17) is for unposted roads. He commented that it doesn't say anything about a special regulated speed limit. Mr. Lowe commented that many people don't realize that if a road is unposted it is 40 miles per hour. For a quarter of a mile the houses need to be within 200 feet apart to be considered thickly settled.

On a motion made by Czekanski and seconded by Keep the Board voted to authorize the Town Administrator to pursue enrolling in Chapter 90 Section 17C. The motion passed unanimously.

CLASSIFICATION HEARING:

Pursuant to Massachusetts General Laws, Chapter 40, Section 56, the Board of Selectmen held a public hearing regarding the property tax classification for fiscal year 2021. Mr. David Manzello, Regional Tax Assessor, Mr. Jeff Nichols, Chairman and Ms. Charlotte Johnson-Zembko, member of the Board of Assessors were present for the hearing.

On a motion by Keep and seconded by Czekanski the Board voted to open a hearing. Motion passed 3-0.

David Manzello, assessor, appeared before the Board along with the Board of Assessor's. Board reviewed the packets with the Board. The estimated FY2020 levy to be raised is \$22,727,311.35 which represents a 5.05% increase over last year of \$21,634,040.90. The levy ceiling which is 2.5% of the total town taxable valuation which is currently \$1,114,630,277. 2.5% of which is \$27,865,757. New growth revenue \$365,583K which is slightly above normal. It goes towards our excise levy. Our debt has come down to \$1,279,647. Maximum levy limit for FY20 is \$22,857,033. We lost a little in the commercial industrial. Our tax rate based on our levy is \$20.39. Though the tax rate is down the values are increasing so the average tax bill is up from \$528K to \$549K which means average tax bill increase from \$10,808 to \$11,194. Average increase of \$386.

The Board of Assessors recommends that the Board of Selectmen adopt a residential shift factor of 1.000 with a corresponding CIP factor of 1.0000, thereby maintain the relative shares of overall tax burden born by the residential property owners in past years. Based on the above assumptions a single tax rate of \$20.29/\$1000 would be classified for all property classifications. Levying the amount of \$22,727,311.35 with excess levy capacity in the amount of \$129,721.65

Czekanski moved to exit out of the hearing. Keep seconded. Motion passed.

On a motion made by Czekanski and seconded by Keep, the Board of Selectmen voted unanimously in accordance with M.G.L. Chapter 40, Section 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2020 tax rates and set the Residential Factor at 1.0000, with a corresponding CIP shift of 1.0000, pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue.

DISCUSSION OF COMMUNITY CHOICE AGGREGATION PLAN:

D. Lowe highlighted the purpose and process of adopting a community aggregation plan to put together a consortium to get a stronger buying power out of a larger group and also to use cleaner energy to improve our carbon footprint.

Harvard has already gone through this. Mr. Lowe read an excerpt from Harvard's plan "*the purpose of the plan is to represent consumer interests and competitive markets for electricity. It seeks to aggregate consumers and the Town to negotiate rates for power supply and brings together the buying power of 6,500 consumers. Furthermore, the Town seeks to take greater control of its energy options including enhancing the ability to pursue price stability, savings opportunities and the amount of renewable energy procured. However, the savings cannot be guaranteed, participation is voluntary for each customer.*"

Board reviewed a rough timeline of pursuing an aggregation plan. This plan would be for residential use and would be an opt out plan.

Harvard did not see a lot of reduction in rates but they found a provider that uses 100% renewable sources. Their annual cost reduction was minimal. This is a very lengthy process. Ms. Shepala noted that the early steps after Town Meeting include to put out an RFP to get a broker so it is educated folks helping with these decisions.

Mr. Keep was concerned about the cost of the consultant obtained through the RFP. Mr. Czekanski explained that the consultant gets paid by the power company. The program may be terminated at the end of the contract or at the decision of the Board of Selectmen. 80 communities in Massachusetts have done this since the early 90's.

Mr. Lowe asked the Board authorize the seeking volunteers of a subcommittee to see if we can make this work.

Czekanski moved that the Board of Selectmen authorize the formation of an exploratory committee for community choice aggregation in anticipation of having an article on the warrant in May of 2020. Keep seconded. Motion passed 3-0.

CONSIDERATION OF AMENDMENT OT LEASE AGREEMENT WITH AMERICAN TOWER:

Mr. Lowe has been working with American Tower for some time to hone this. The current lease doesn't expire until 2040. American Tower is proposing 3 more 5 year extensions on the existing lease. Originally they offered us a bonus of 10K. Through a few phone conversation this is up to 40K. D. Lowe has talked to colleagues in other towns and learned that no one has reached out to them. Once colleague was offered an extension without a extension bonus. We are entering 5G. It is significantly different and does not rely on the larger towers. The terms of the lease don't change. We get 25% of the revenue off of the tower. Every year the rate goes up so we are not locking in the rates. It is a consistent revenue stream. This is only for the Forbush Mill Road Tower.

Mr. Lowe asked the Board to approve the lease agreement and authorize Don Lowe to sign it.

J. Keep made a motion to approve the lease agreement amendment to the lease for the American Tower cell tower. Czekanski seconded. Motion passed 3-0.

CHAPTER 61A PROPERTY OWNED BY PHYLLIS M. STEPHENSON

Mr. Keep recused himself.

Property located off Main Street and Manor Road. The land originally consisted of 69 acres as recorded in Book 5640, Page 223. All Board other than Planning Board have weighed in. Mr. Lowe asked the Board to not exercise the right of first refusal contingent upon the Planning Board not having any interest.

So moved by Czekanski. Motion passed 2-0.

TOWN ADMINISTRATOR REPORT

Update on MassWorks project: They have begun pouring sidewalks. With the weather not sure how far we have gotten. By this time next week we anticipate having the sidewalks poured.

Budget message update. Don sent out budget message a week ago encouraging level funding.

Don reminded the Board that he noted last year if we had another budget year this year like we had last year we would be seriously looking for a possible operating override. At the end of last year we ended with \$125K free cash which was \$225K under our target. Our levy capacity will be in the \$150s which is concerning.

Mr. Lowe announced his Coffee with Town Administrator tomorrow at the Bolton Bean.

Mr. Lowe reminded the public that Sunday is our observance of the Hometown Heroes program beginning with a motorcade leaving Bolton manor to Manor and end at the Winery. We've had a lot of comments on the banners.

BOARD OF SELECTMEN BUSINESS

Public Service Announcements: No public service announcements

Holiday Tree: The Conservation Trust has been offered a permanent tree for the Town Common. They would like to turn around and donate the tree to the town. They have someone to install it. The tree location will be in the field. The area is spray painted in orange. Czekanski has a concern that there would be large activities and then it would intrude upon the activity or the photographic opportunities. He was satisfied that Parks and Recreation has signed off on the location. The tree lighting has been the biggest event. There is plenty of room to burn flats without getting to the tree.

On a motion made by Czekanski and seconded by Keep the Board of Selectmen voted unanimously to accept the donation of the holiday tree to be planted at the Town Common.

Bills/Payroll Warrant:

On a motion made by Czekanski and seconded by Keep, the Board of Selectmen voted to approve the bills/payroll warrants W20-10 and W20-10A. (Wysocki – yes, Czekanski – yes, Keep – yes)

Community Host Agreement Discussion:

Don received a host community agreement for a cannabis manufacturing facility to be located in Bolton at 58 Main Street. Mr. Lowe asked for a broad overview prior to entering into executive session.

Mr. Falk explained that any cannabis entity has to have a community host agreement. The marijuana act has a few parameters including that the Town receive no more than 3% impact fee. The terms include that the impact is capped at 5 years. There is no guidance about how that fee is calculated. This facility would be strictly manufacturing.

EXECUTIVE SESSION

On a motion made by Czekanski and seconded by Keep, the Board of Selectmen voted 3-0 by roll call (Wysocki – yes, Czekanski – yes, Keep - yes) to enter into executive session at 8:06 p.m.

pursuant to MGL c. 30A, §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. We will emerge into executive session.

On a motion by Czekanski and seconded by Keep the Board voted unanimously at 8:18 to close the executive session and reconvene in open session.

Discussion regarding negotiations with Integrated Health Products for a Community Host Agreement:
The Board had no questions.

Mr. Lowe asked the Board to authorize Attn. Falk and Don Lowe to negotiate a community host agreement with Integrated Health products.

On a motion made by Czekanski and seconded by Keep the Board voted unanimously to authorize Attn. Falk and Don Lowe to negotiate a community host agreement with Integrated Health Products. Motion passed 3-0.

EXECUTIVE SESSION

On a motion made by Czekanski and seconded by Keep, the Board of Selectmen voted 3-0 by roll call (Wysocki – yes, Czekanski – yes, Keep – yes) to enter into executive session at 8:21 p.m. pursuant to MGL c. 30A, §21 a(3) to discuss strategy with respect to collective bargaining for the Fire Union, as the Chair finds that an open meeting may have a detrimental effect on the Board's bargaining position. (Wysocki – yes, Czekanski – yes, Keep – yes)

On a motion made by Czekanski and seconded by Keep, the Board of Selectmen voted 3-0 by roll call (Wysocki – yes, Czekanski – yes, Keep – yes) to enter into executive session immediately after previous executive session pursuant to MGL c. 30A, §21 a(3) to discuss strategy with respect to collective bargaining or litigation (grievance filed by AFSCME, Council # 93, DPW Unit), if an open meeting may have a detrimental effect on the bargaining or litigating position of the Board of Selectmen and the chair so declares. (Wysocki – yes, Czekanski – yes, Keep – yes)

The Board will not reconvene in open session.

Respectfully submitted by Jenny Jacobsen