

Board of Selectmen  
March 11th, 2021  
Via Zoom\*

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

Approved via  
Zoom on 3/25/21  
by SW, JK, RL  
gg

Mr. Czekanski called the meeting to order at 7:00 p.m. and provided an overview of the rules of conduct in the remote meeting environment.

#### NUISSANCE DOG HEARING FOLLOW UP

Phyllis Tower appeared before the Board after conducting a site visit along with the building inspector Mike Sauvageau at the 752B Main Street residence following the request of the Selectmen at the February 25th dog hearing. The door is not at ground level so the previous proposal for a pen off the door will not work.

Ms. Francisco stated she could get a kennel from a friend to put in the yard. To get the dog to the pen she would use a leash as she has done since her last incident. Ms. Tower proposed that the dog owner continues to use a leash to contain the dog to the property instead of an enclosure. If there is another incident that a citation will be issued and the kennel proposal will automatically go into effect. Ms. Tower also proposed that if there is another incident, a tasteful gate be installed at the top of the deck to prevent the dog from taking off should he slip out the door.

Mr. Czekanski asked Mr. Keep for his status as the dog belongs to his tenant. Mr. Keep announced his intent to abstain from discussion and vote.

Mr. Wysocki voiced dissatisfaction that the landlord is not involved in the solution.

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

#### STREET ACCEPTANCE PLANS HOUGHTON FARM RD

Greg Roy of Dillis and Roy Civil Design Group representing the applicant appeared before the Board. The applicant has been working for the past year to finalize the various required improvements as were depicted on the subdivision plan approved by the Planning Board. The applicant has completed the bulk of the larger items including paving and installation of road bounds. A street acceptance plan and a road as-built plan have been submitted and reviewed by Nitsch Engineering. There is a punch list of items to be completed by the applicant which will be completed this spring when the weather allows.

Board had no issues and will vote during the warrant walk through on the article related to this matter.

#### 40B HOUSING PROPOSAL FOR 500 MAIN STREET

Mark Baranski, Andy Huntoon and Ari Arbabi of Trammell Crow Residential Crow appeared before the board and presented plans for a proposed housing development at 500 Main Street (Kane Property) west of the Country Cupboard. The plan includes four 4-story structures to contain 240 rental units, mostly 1 & 2 bedrooms. 25% would be considered affordable but 100% would count toward the housing index. They devised an on-site ladder storage system as one approach to address the Fire Chief's concerns about building height. The facilities would house community spaces including lounges, gym and pool. There is a plan for an onsite waste water system and zone 1 water supply.

Mr. Czekanski asked that the document be posted on the website.

Mr. Keep asked for a more detailed plan and had issues with the safety and aesthetic concerns about the 4-story buildings. He also recommended that Trammell Crow consider conserving portions as open space.

Mr. Baranski commented that he is aware of the design review process and looks forward to working with the Town to create character indicative of Bolton. Due to the constraints of the lot, Trammell Crow is very interested in the 4-story option.

#### ATM WARRANT REVIEW

Article 1- Accept Town Reports

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

Article 2-Unpaid Bills for Fiscal Years 19 & 20

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

Article 4-Spending Limits of Revolving Fund Accounts

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

Article 5- Amend ALS Revolving Fund to Add Second Signatory

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

Article 6-Waste Water Treatment Facility Repairs

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

Article 7-Tax Title Revolving Fund

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

Article 8-Injury Leave Indemnity Fund

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

Article 9- Amendment to the Code of the Town of Bolton, Division I, Part I, Administrative Legislation Chapter 70, Personnel Policy, Section 12 Fringe Benefits

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

Article 10- Name Change- Board of Selectmen to Select Board

Board discussed the two options to approach the name change formally or informally. If a formal change is sought a 2/3 majority would be required rather than a simple majority. Atty. Falk added that a Planning Board hearing would be required prior to the town meeting and explained the options before the Board. Mr. Wysocki supported the concept of the change but took issue with the 4-5K that it would cost to make this change. He asked his fellow Selectmen to offer to pay for the cost associated. Mr. Czekanski commented that there is a cost to incorporate all of the changes to the bylaws and offered to contribute his stipend to help pay for the cost. Mr. Keep commented that words matter and it is important for everyone to be able to see themselves on the Select Board. Mr. Lowe mentioned that the Town Clerk has a line within her budget to pay for these changes. Pam Powell is confident that all of the changes including this could be paid for within that line. Excess would be minimal.

**On a motion made by Keep and seconded by Czekanski the Board voted by roll call 2-1 to approve the article. (Wysocki-no, Keep-yes, Czekanski-yes)**

Article 11- Planning Board article, Accessory Apartments

Mr. Lowe commented that the Planning Board has not discussed Atty. Falk's notes. Board held off on voting on the article.

Article 12- Planning Board article, Temporary signs

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

Article 13- Planning Board article, Lighting

Ms. Uriarte commented that several technical items were removed from an earlier draft to be incorporated in the Rules and Regulations. The Board recommended the Planning Board prepare Rules and Regulations for Annual Town Meeting.

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

Article 14-Planning Board, Houghton Farm Road Acceptance

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

Article 15-Security Camera Systems

**On a motion made by Wysocki and seconded by Czekanski the Board voted by roll call 2-1 to approve the article.**  
**(Wysocki-yes, Keep-no, Czekanski-yes)**

Article 16-Cruiser Camera Systems

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

Article 17-Fire Truck

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

Article 18-Ambulance

The Board fielded a question from Craig Lauer.

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

Article 19-Dump Truck

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

Mr. Lowe commented that the way the article is written assumes borrowing. There may be changes if Advisory votes to borrow within 2 ½. Board decided to wait to vote the article.

Article 20-Plow and Equipment

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

Article 21- Building Assessment

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

Article 22-Library Driveway replacement

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

Article 23- Florence Sawyer School Boiler

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

Article 24- Emerson Air Duct Cleaning

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

Article 25-Smoke Detector Replacement

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

Article 26-Oil Tank Removal at Florence Sawyer School

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

Article 27-Authorize the Town Election

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

Brian Boyle had a question about Article 8 as to whether there is a financial commitment to plan for. Mr. Lowe explained that we pay 50% of the person's salary and the insurance covers it. When money comes back to the Town from the insurance company we cannot put the money back into the department's budget. It goes into the general fund. This would allow the Town to repurpose the money within the department's budget within the fiscal year.

Board of Selectmen's Statement

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to approve the Selectmen's Statement as written. (Wysocki-yes, Keep-yes, Czekanski-yes)**

**TOWN ADMINISTRATOR REPORT**

Covid Update

Mr. Lowe reported that Bolton remains in the green category with an increase of 9 cases. The rolling positivity rate is 1.7%.

Ethics Training

Mr. Lowe reminded the Board to complete the ethics training by April 9<sup>th</sup>.

**SELECTMEN BUSINESS**

Town Administrator Review Process

**On a motion made by Keep and seconded by Wysocki the Board voted by roll call 3-0 to authorize the Chairman to collate information and present an annual review to the Town Administrator. (Wysocki-yes, Keep-yes, Czekanski-yes)**

Bill/Payroll Warrant

**On a motion made by Keep and seconded by Wysocki the Board voted by roll call 3-0 to approve Bills/Payroll warrants W21-18 and W21-18A. (Wysocki-yes, Keep-yes, Czekanski-yes)**

Minutes

The Board reviewed minor changes.

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to approve the minutes of February 25<sup>th</sup>, 2021 regular session. (Wysocki-yes, Keep-yes, Czekanski-yes)**

Executive Session

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 at 8:36pm to enter executive session pursuant to M.G.L. c. 30A, §21(a)(2) to discuss strategy with respect to contract negotiations with non-union personnel (Fire Chief) and to discuss strategy with respect to contract negotiations with non-union personnel (Police Chief). Board will return to Open Session. (Wysocki-yes, Keep-yes, Czekanski-yes)**

Board returned to exited executive session at 8:45 pm.

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to ratify the employment agreement between the Town of Bolton and Fire Chief Legendre. (Wysocki-yes, Keep-yes, Czekanski-yes)**

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to ratify the employment agreement between the Town of Bolton and Police Chief Nelson. (Wysocki-yes, Keep-yes, Czekanski-yes)**

**On a motion made by Wysocki and seconded by Keep the Board voted by roll call 3-0 to adjourn at 8:46pm. (Wysocki-yes, Keep-yes, Czekanski-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.*