

Approved by Select Board on June, 17, 2021

By JK, RC, SW

Board of Selectmen
June 3, 2021
Via Zoom*

Jonathan Keep, Chairman
Robert Czekanski
Stanley Wysocki

Don Lowe, Town Administrator
Jenny Jacobsen, Town Secretary

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

ZONING BOARD OF APPEALS (ZBA) APPOINTMENT

Town Planner Valerie Oorthuys and ZBA Chair Gerard Ahearn were in attendance. The Board reviewed a request from the Zoning Board of Appeals to increase the number of associate members from 2 to 3, and if approved to appoint Elisabeth Hutchins and Kevin Eriksen to fill those vacancies. Mr. Ahearn explained that the ZBA has become aware of a potential conflict of interest for Mr. Eriksen and requested the Select Board consider that information in making their determination. Mr. Lowe suggested that Mr. Eriksen reach out to the Attorney General's Office to speak with the attorney of the day to get an opinion as to whether there is a conflict of interest in serving on the Board. The Board will consider the increase only after that ruling is received if no conflict is found. Mr. Ahearn revoked the request for the increase and recommended that Mr. Eriksen reapply if another position on the ZBA opens up.

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to appoint Elisabeth Hutchins to the Zoning Board of Appeals as an associate member. ((Czekanski-yes, Keep-yes, Wysocki-yes))

APPOINTMENT OF MASS AREA PLANNING COUNCIL

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to appoint Valerie Oorthuys to the Mass Area Planning Council for a three-year appointment.

APPOINTMENT OF ASSISTANT BUILDING INSPECTOR

Mr. Rogers spoke to the Attorney General attorney of the day to discuss the potential conflict of interest. Mr. Rogers spoke to Nora Malin at the Ethics Board who did not see a conflict. Mr. Rogers completed the 20B paperwork related to the waiver request. Mr. Rogers explained that as the assistant building inspector is an uncompensated position while the Board of Health is an uncompensated position. Mr. Rogers explained that the Board of Health is governed by Title 5 and while building is governed by Mass State building code.

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to accept the recommendation of Building Inspector Michael Sauvageau to appoint Chris Rogers as Assistant Building Inspector and to approve an exemption under M.G.L. c. 268A, Section 20(b) for a Municipal employees holding one or more elected positions. (Czekanski-yes, Keep-yes, Wysocki-yes)

DRAINAGE EASEMENT

DPW Director Randy Heglin appeared before the Board to discuss the drainage easement and request an order of taking at 343 South Bolton Road and a revised order of taking at 5 Spectacle Hill Road.

343 South Bolton Road-The easement is necessary for the drainage improvement project that has been in the planning stage for 2 years. There is a failed catch basin on the east side of the road. The engineers have recommended a standard catch basin with sump. Mr. Heglin didn't want to risk losing the \$100K grant due to further delay and recommended proceeding with an order of taking similar to the 5 Spectacle Hill Road. There will be no loss of use to the property.

On a motion made by Wysocki and seconded by Czekanski the Board voted unanimously by roll call to execute and order of taking for 343 South Bolton Road. (Czekanski-yes, Keep-yes, Wysocki-yes)

5 Spectacle Hill Road-Property owner, Ms. Campbell showed Mr. Heglin an existing drainage pipe that the surveyor and engineer was not aware of. Ms. Campbell requested that the location be used for the new drainage pipe.

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to execute an order of taking for 5 Spectacle Hill Road. (Czekanski-yes, Keep-yes, Wysocki-yes)

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to rescind the prior order of taking for 5 Spectacle Hill Road. (Czekanski-yes, Keep-yes, Wysocki-yes)

121 OAK TRAIL

The apron of the driveway at 121 Oak Trail are cobblestones and they protrude into the town's right of way. The cobblestones are already lifting. The cobblestones were not shown on the plan. Mr. Heglin withheld an approval for occupancy based on the liability of faulty cobblestones. Town Counsel recommended a license agreement to release the Town from future liability if damage to the cobblestones were to occur due to no negligence from the Town. Mr. Heglin requested the Board's approval of the license agreement.

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to execute the license agreement for 121 Oak Trail. (Czekanski-yes, Keep-yes, Wysocki-yes)

TOWN ADMINISTRATOR'S REPORT

Covid Update-State announced that there are no red communities in the state. Bolton had no new cases again this week. We remain in the grey. As of now, 76% of residents 12 and older have received at least a single shot.

Reopening Update-Town Hall opened on June 1st. There has been a slow and steady stream of residents coming to Town Hall to conduct business. The governor has extended the remote option through September 1st. Boards and Committees may meet in person on September 1st. Mr. Lowe was unclear if the remote would remain available to Boards or Committees who wished to utilize it beyond that date.

Lease Agreement-

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to execute the lease agreement between the Town of Bolton and the Conservation Trust. (Czekanski-yes, Keep-yes, Wysocki-yes)

Website Announcement Policy-

Mr. Lowe explained that the policy is to preserve the use of the news and announcement feature for Town Business. Mr. Lowe will add to his FY22 goals a look at the website including looking for places on the website for outside groups to share information.

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to execute website announcement policy. (Czekanski-yes, Keep-yes, Wysocki-yes)

Other Business-

Mr. Lowe commended the finance team for a successful audit that resulted in no management letter. The Board congratulated the finance team on their efforts.

SELECT BOARD BUSINESS

No public service announcements.

Appointment to MAGIC-

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to appoint Town Administrator Don Lowe to Minuteman Advisory Group to Interlocal Coordination. (Czekanski-yes, Keep-yes, Wysocki-yes)

Bills/Payroll Warrants-

On a motion made by Czekanski and seconded by Wysocki Czekanski the Board voted unanimously by roll call to approve W21-25 and W21-25A. (Czekanski-yes, Keep-yes, Wysocki-yes)

Minutes-

On a motion made by Czekanski and seconded by Wysocki Czekanski the Board voted unanimously by roll call to approve the regular session minutes of May 6th and May 20th, 2021. (Czekanski-yes, Keep-yes, Wysocki-yes)

Executive Session-

On a motion made by Czekanski and seconded by Wysocki the Board voted unanimously by roll call to enter Executive session pursuant to MGL c. 30A, §21(a)3 to discuss strategy with respect to collective bargaining with Teamster's Union, Local No. 170 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. The Board will not return to open session at 8:00pm. (Czekanski-yes, Keep-yes, Wysocki-yes)

Board returned to open session for the purpose of adjournment.

On a motion made by Czekanski and seconded by Wysocki Czekanski the Board voted unanimously by roll call to adjourn at 8:19 pm. (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.*