

Board of Selectmen
September 9th, 2021
Via Zoom*

Stanley Wysocki, Chairman
Robert Czekanski
Jonathan Keep

Don Lowe, Town Administrator
Jenny Jacobsen, Town Secretary

Approved via Zoom
by SW RC JK
JK
10/14/21

Mr. Wysocki called the meeting to order at 7:00 p.m.
Ms. Jacobsen announced that the meeting is recorded.

EVENT REQUEST

Mark Walter appeared before the Board representing American Cancer Society and requested to hold the 2021 Bicycles Battling Cancer ride to come through Bolton on Saturday, September 25th, 2021. Police approval was received.

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

A request was made to hold the Bikes Not Bombs race on Sunday, September 12th. Angela Phinney who made the written request was not in attendance. Police approval was received.

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

BOLTON ACCESS TELEVISION

Nicki McGachey appeared before the Board representing Bolton Access Television to request the release of Q2 funds for operating expenses. Ms. McGachey reported that it is 3% down as has been the trend. Ms. McGachey announced that there is a fund-raising effort in the works.

On a motion made by Czekanski and seconded by Keep the Board voted by roll call 3-0 to release the Q2 funds in the amount of \$25,073.25. (Czekanski-yes, Keep-yes, Wysocki-yes)

LAWN SIGN REQUEST

Ms. Shepple appeared before the Board to present the revised race route from the previously approved event. Ms. Shepple requested approval for lawn signs announcing the event.

On a motion made by Czekanski and seconded by Keep the Board voted by roll call 3-0 to approve the revised route and the placement of lawn signs to advertise the event. (Czekanski-yes, Keep-yes, Wysocki-yes)

Board considered a request from Ann Gillespie to place lawn signs in private residential property to advertise the Bolton Harvard Open Studios. Ms. Gillespie was not in attendance.

Mr. Czekanski moved to not let the number of signs exceed the previous year. There was no second.

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

FIRE/EMT DEPARTMENT AMBULANCE REQUEST

Chief Legendre appeared before the Board. The Town has signed a contract to purchase an ambulance to replace the current 7A. The trade in value was \$10,000. The Chief requested to keep the second ambulance as a backup or a second ambulance. Call volume is up by 255. It would be \$5K in new supplies for the second ambulance. If the ambulance does 4 calls a year it

will pay for itself. If the ambulance goes down for maintenance it would serve as a backup. Mr. Czekanski asked for more time to consider the proposal. Currently we have a Class 1 ambulance and a Class 5 ambulance for mutual aid. Mr. Wysocki had questions about the storage of the ambulance. The ambulance would be stored in the old fire station.

79 LANCASTER ROAD DANGEROUS DOG UPDATE

Animal Control Officer Phyllis Tower reported on the progress Ms. Danaher of 79 Lancaster Road made on the order issued by the Board. Ms. Danaher had a question about the double gate which was discussed at the Hearing on July 8th but was not in the written order. Atty. Jessica Murphy informed the Board that the written order mirrored the statute and did not transcribe the language voted on by the Board. Atty. Murphy advised the Board to take one of two options, either to accept the order as written or to vote to amend the order to include the double gates which would provide an opportunity to appeal. Atty. Taylor Daukiewicz representing the Danaher family reported that her client purchased a muzzle and leash and could have a pen delivered and installed in 1-2 weeks that does not have a double gate. The Danahers have also signed the dog up for additional training. The Board had concerns about flooring material. Atty. Murphy noted, both for the floor and the gate, that as the statute is silent it would provide an opportunity for appeal. Mr. Wysocki continued the discussion to the next meeting on September 23rd for a possible outcome of reissuing the order.

42 FOX RUN DANGEROUS DOG UPDATE

Animal Control Officer Phyllis Tower reported to have reached out to Mr. Neuman on August 30th. Mr. Neuman filed an appeal with district court. Ms. Tower received no other reply. Atty. Murphy confirmed that an appeal was filed on August 27th. The Neumans have secured Atty. Cohen for the appeal. A magistrates hearing is scheduled for September 30th.

TOWN ADMINISTRATOR REPORT

Covid-19 Update-90.4% of eligible population has been vaccinated. 399 eligible residents remain unvaccinated. New cases were 15 last week and 9 this week.

Grant Update-Mr. Lowe read the press release dated 9/9/21 related to a \$302,691 in municipal action grant funds to build climate resilience. Mr. Lowe congratulated Ms. Longvall on her efforts. Mr. Keep noted the importance of climate resiliency.

Coffee with Town Administrator-Mr. Lowe announced his next in person Coffee scheduled for Friday, September 18th at 8:30am at the Bolton Bean.

58 MAIN STREET, GOOD LEAF HOLDINGS

Ben James of Good Leaf Holdings guided the Board through the highlights of a Power Point presentation and introduced his panel of experts. Joel Frisch of Northeast Geoscience Inc. in Clinton was present and will be assisting the project with their water resource needs. Domestic water uses are similar to the previous facility and will be provided by the existing public water supply well which is currently inactive. Once the well is reactivated it is governed by the strict quality and quantity restrictions set by the DEP. Irrigation needs are estimated at 6,000 gallons per day and will come from a proposed irrigation well. The total water usage of both wells is approximately 6,960 gallons per day. The existing well is nonconforming well so DEP does not allow an increase to the 960 gallons per day.

Erik Gath of BLW Engineers commented that the reuse recovery system would reduce the required draw by 70-90% reducing the draw to 1,800 gallons per day. Mr. Frisch reviewed the Zone I radiuses to the well and proposed well and explained that the DEP does not consider impact to public water supplies for draws less than 100,000 gallons per day. Comprehensive testing needs to be done to the existing well which will require flushing for 24 hours.

Jacob Lemieux with Hancock Associates out of Marlborough reviewed the existing septic systems and septic needs for the site and process water disposal options. There will likely be a 9,000-gallon holding tank. The tank will be 500 percent of the actual waste flows out of the building or 1,800/day. They would set a pumping schedule to send the water to a treatment facility or proper disposal. Hancock Associates is also in charge of investigating wetland issues on the site.

Mr. Wysocki had concerns that the received packet had differences from the presentation.

Mr. Gath had helped design and build over 40 odor control systems in similar facilities. This is done by controlling building pressure, filtration of the air in the building, charcoal filtration and odor neutralization on exhaust air.

Mr. James presented on the security/emergency and community impact plans as well as noise control plan as the noise consultant was not available to attend the meeting. The projected timeline aims for an opening in May of 2023.

Mr. James will return on September 23rd to address questions from the Board.

Mr. Keep commented favorably on the presentation and panel of experts.

SELECT BOARD BUSINESS

Public Service Announcement-Mr. Czekanski noted that the email that went out regarding the public outreach meeting on September 27th used the term hearing when it is a meeting.

Mr. Wysocki urged the public to get a vaccination.

Fee Schedule-Board reviewed a proposed fee schedule for the Select Board. The only new fee on the list is the filming license of \$500 in response to recent activity related to production filming. The Board opined that there should be a scale related to the length of filming and requested viewing comparisons on all fees at a future meeting.

Update on Keep v. Neyland et al. Appeal-Mr. Czekanski reported that the appeal resulted in a dismissal. The Town spent \$1,200 in legal fees above and beyond the town employees' hours. Mr. Czekanski requested that Mr. Keep consider reimbursing the Town for those expenses. Mr. Keep defended his decision stating that there is no defined range to determine who is considered an abutter. Mr. Keep questioned the decision of the Town to spend money. Mr. Wysocki explained that when a citizen brings litigation against a duly elected public body it is the obligation of the Town to defend that public body. Mr. Lowe agreed stating that Town Counsel played a secondary role to make sure the Planning Board's interests were upheld. They did not represent the defendants. Mr. Keep did not respond as to whether he would appeal the decision against him.

Forest Legacy Program-

On a motion by Czekanski and seconded by Keep the Board voted unanimously by roll call to sign a letter of support for Nashua, Squannacook, and Nissitissit Wild & Scenic Rivers Forest Legacy Program Application. (Czekanski-yes, Keep-yes, Wysocki-yes)

Bills/Payroll Warrant-

On a motion by Czekanski and seconded by Keep the Board voted unanimously by roll call

to approve bills/payroll warrants W22-4 & W22-4A. (Czekanski-yes, Keep-yes, Wysocki-yes

Minutes-

On a motion by Czekanski and seconded by Keep the Board voted unanimously by roll call to approve the regular session minutes of August 19th, 2021. (Czekanski-yes, Keep-yes, Wysocki-yes)

Executive Session- pursuant to MGL c. 30A, Section 21 (a) for purpose 2 & 3

to conduct collective bargaining sessions or contract negotiations with nonunion personnel (Town Administrator); to discuss strategy with respect to collective bargaining for the

- Teamster's Union, Local No. 170
- The Bolton Police Union, Local 286, IUPA, AFL-CIO

as the Chair finds that an open meeting may have a detrimental effect on the Board's bargaining position;

and to review and approve executive session minutes of June 3rd, 2021.

The Board will return to open session for the purpose of adjournment only.

On a motion by Czekanski and seconded by Keep the Board voted unanimously by roll call to enter into executive session at 9:22pm. (Czekanski-yes, Keep-yes, Wysocki-yes)

Board returned to open session at 9:40pm.

On a motion by Czekanski and seconded by Keep the Board voted unanimously by roll call to adjourn at 9:41pm. (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.*