

Select Board  
March 16, 2023  
Via Zoom Remote Conferencing\*

Stanley Wysocki  
Robert Czekanski

Jenny Jacobsen, Asst. to the Town Admin.  
Don Lowe, Town Administrator

Mr. Wysocki called the meeting to order at 6:30 p.m.

Executive Session

**On a motion made by Czekanski and seconded by Wysocki the Board voted by roll call vote unanimously to enter executive session with the law committee pursuant to M.G.L. c. c. 30A, Sec. 21(a), purpose 3, to discuss strategy with respect to litigation, Alan DiPietro v. Town of Bolton, if an open meeting may have a detrimental effect on the litigating position of the [Board/Committee] and the chair so declares. (Czekanski-yes, Wysocki-yes, Rogers-yes, Roemer-yes)**

The Board returned from executive session at 7:03.

**On a motion made by Czekanski and seconded by Wysocki the Board voted by roll call vote unanimously to adjourn the law committee meeting. (Czekanski-yes, Wysocki-yes, Rogers-yes, Roemer-yes)**

SENATOR ROBYN KENNEDY AND REPRESENTATIVE KATE HOGAN

The Board welcomed Senator Robyn Kennedy and Representative Kate Hogan. Senator Kennedy thanked the Board for the invitation and provided an introduction as she gets settled in. The senator hopes this is the initial of many visits to a meeting of the Select Board as she begins to learn what is important to Bolton. Senator will be chairing the Joint Committee Of Children, Families And Persons With Disabilities and vice chairing the Cannabis Policy Committee as well as member of the Education, the Transportation, the Public Health, Mental Health and Substance Abuse Issues, and the Agriculture Committees.

Rep. Hogan warmly and enthusiastically welcomed Senator Kennedy. Rep. Hogan announced that the covid extensions of remote meeting were extended until March of 2025, Outdoor Dining until April of 2024 and remote notarization was made permanent. Rep. Hogan stated that Bolton has had an incredible two years utilizing ARPA funding having secured \$1M in funding for the culvert on Forbush Mill Road and the Pond Park culvert. Rep. Hogan stated that regional transportation and agriculture are among her goals going forward. Rep. Hogan announced that she was voted Speaker Pro Tempore which speaks well for her communities.

Mr. Wysocki thanked the senator and representative and commented that Bolton is struggling and does not have a lot of opportunity for new revenue. Mr. Czekanski echoed Mr. Wysocki and added that there is infrastructure and capital expenses that are coming in the next few years. The Board looks forward to continue working together.

Mr. Lowe asked for thoughts on Governor Healy's proposed director for rural affairs. Rep. Hogan described the position as an advocate and ombudsman for the communities pursuing rural economic development to coordinate with state agencies and review state grant opportunities to reduce barriers for smaller communities. Rep. Hogan and Senator Kennedy look forward to inviting this director to Bolton once established.

EVENT APPROVAL-

Baseball and Softball Opening Day Parade

Michael Gorr was in attendance on behalf of Bolton Youth Baseball to request to hold the annual Baseball and Softball Opening Day Parade.

**On a motion made by Czekanski and seconded by Wysocki the Board voted by roll call unanimously to approve the annual Baseball and Softball Opening Day Parade from Emerson School to Memorial Field on April 29<sup>th</sup>, 2023 from 12 – 12:30pm. (Wysocki-yes, Czekanski-yes)**

Hopkinton Concours Car Show

Aditya Dutta was in attendance from Hopkinton Concours to request to hold car show. The event has police department approval. This is the second year the car show will be held in Bolton. In 2022, the event had one participant behave inappropriately. That individual will not be invited back. The event raised \$5,000 for the Jimmy Fund. Board had no concerns.

**On a motion made by Czekanski and seconded by Wysocki the Board voted by roll call unanimously to approve the car show at 41 Main Street on May 20<sup>th</sup> from 10am – 2pm. (Wysocki-yes, Czekanski-yes)**

Annual Town Meeting (ATM) Warrant

Atty. Falk was in attendance to walk through the ATM warrant.

Article 1-Accept Annual Reports

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 1. (Czekanski-yes, Wysocki-yes)**

Article 2-Unpaid Bills for Fiscal year 2022

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 2. (Czekanski-yes, Wysocki-yes)**

Article 4-Spending Limits of Revolving Fund Accounts

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 4. (Czekanski-yes, Wysocki-yes)**

Article 5-Nashoba Regional School District

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 5. (Czekanski-yes, Wysocki-yes)**

Article 6-Town Clerk Position

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 6. (Czekanski-yes, Wysocki-yes)**

Article 7-Cemetery Committee Fees and Governance

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 7. (Czekanski-yes, Wysocki-yes)**

Article 8-Subdivision Bond Appropriation

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 8. (Czekanski-yes, Wysocki-yes)**

Atty. Falk provided clarification that this article is will either be passed over, or a motion made to specify an amount at Town Meeting. The article is a place holder to prepare the Town to take an action if the Town has more than \$100K to spend. By statute, the Planning Board can authorize the spending of up to \$100k, an amount set by the Subdivision Control Law., this article would be for necessary spending over that amount.

Article 9-Amend Bylaw on Door-to-Door Solicitation

Mr. Lowe explained that the Town was challenged by a company that does door-to-door solicitation that our bylaw may be unconstitutional. Town Counsel opined that our current bylaw may not comport with the first amendment. Residents can be added to a no solicitation list which will be distributed when licenses are issued. Solicitors would be subject to fine if they go to those listed residences.

The summary will be revised to include the information about the no solicitation list. The fines are set to the maximum allowable limit by statute.

Mr. Boyle, Advisory Committee Chair, asked if the bylaw is tested. Mr. Falk informed the Board the article mirrors a similar bylaw in Clinton.

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 9. (Czekanski-yes, Wysocki-yes)**

Article 10-Special Act to Acquire DCAMM Properties

Mr. Lowe explained that the legislation was submitted by DCAMM attorneys to begin the process to allow for the Town to purchase excess parcels to be used for passive recreation. This article does not bind the Town to purchase the parcels. It is only the first step in the process. The article summary will be modified to include information about the location of the parcels.

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 10. (Czekanski-yes, Wysocki-yes)**

Article 11-Fire Station Roof Replacement

Mr. Lowe explained that this is a replacement of the original roof at old fire station. Mr. Lowe explained that the Town would devise a plan to replenish the funds.

The summary will be reworded to more clearly explain that the failed roof is on the original fire station and not the newer public safety building.

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 11. (Czekanski-yes, Wysocki-yes)**

Article 12-Fire Engine 1 Replacement

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 12. (Czekanski-yes, Wysocki-yes)**

The article summary will be reworded to more clearly express the age of the vehicle.

Opioid Settlement Stabilization Fund

Mr. Lowe recommended that the article be removed from the warrant.

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call to remove the Opioid Settlement Stabilization Fund from the warrant. (Czekanski-yes, Wysocki-yes)**

Article 13-Citizens' Petition

**On a motion made by Czekanski and seconded by Wysocki, the Board voted unanimously by roll call to have no recommendation on the Citizens Petition. (Czekanski-yes, Wysocki-yes)**

Town Counsel will be present to respond to inquiries from residents on the laws that are referenced in the citizens' petition.

Article 14-Authorize Town Election

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve Article 14. (Czekanski-yes, Wysocki-yes)**

Mr. Lowe and the Board recognized the hard work that goes into the creation of the warrant by Ms. Jacobsen and Atty. Falk.

711-713 Main Street

Mr. Hess was not in attendance but submitted a request to allow the applicant, W. Timothy Hess AIA of Studio InSitu Architects, Inc., to act as a representative on the scope of work as defined in the Notice of Intent to be considered by the Conservation Commission and a request to place site visit related surveyed markings on the portion of Town Land as defined in the Notice of Intent.

Ms. Bucciaglia, the conservation agent clarified that the applicant will need to come to the town for approval for the work. The vote is not a vote for or against the work described in the Notice of Intent, but an acknowledgement that they are submitting the Notice of Intent.

Nashua River Communities Resilient Land Management

Conservation Agent, Rebecca Bucciaglia introduced the Linnean Solutions consultants for the Nashua River Communities Resilient Land Management grant, Rebecca Howard, Sarah Sayden and Jim Newman. Ms. Sayden shared a power point presentation of the Nashua River Communities Resilient Land Management (MVP Action Grant Project) and requested board feedback on the team's model climate smart development tool focused on ways that Bolton and Clinton can update local bylaws and regulations to integrate climate resilience. Town Planner Todd Miller and members of the Planning Board, Bob Roemer and Mike Gorr were in attendance to provide comment. The tool is an interactive spreadsheet to assist the Town in addressing the areas that the Town identifies as their climate resiliency goals. Mr. Newman highlighted some areas where the Town could elect to include climate resiliency language into the bylaws.

Mr. Newman asked the Board to indicate which things in their spreadsheet the Board might pursue in the coming years.

Mr. Newman explained that some of the recommendations are bylaw and zoning revisions, some are guidelines that are in the purview of the Planning Board or Zoning Board. Mr. Wysocki opined that the Town can review the bylaws and making adjustments as needed. He noted seeing recommendations such as making FOSPRD the standard and increasing the amount of conservation land.

Mr. Roemer noted the Planning Board understands it will require a deep search into the specificity of the recommendations and the Planning Board is looking around to what other Towns are doing. Harvard is currently proposing an open space residential development bylaw that proposes best practices to preservation the environment, carbon sequestration, preservation of rural character but allow for increased density to the residential population. These are ideas that are not normally viewed as consistent.

Mr. Miller echoed Mr. Roemer's comments noting that there is a common misconception that increased density and housing iteration and the degradation of the quality of towns are cause and effect. Mr. Miller stated that if done with careful thought and quality research it can be done well. Mr. Miller opined that the tool provides very useful data to base and create a foundation for a strategy for this kind of action to create a more future resistant Bolton as far as housing policy.

Mr. Gorr had a question about the recommendation of removing the special permit from the FOSPRD process. His concern was loss of oversight. Ms. Bucciglia explained that the tool are recommendations only. The intent of that item is not to remove review process but to make it part of the standard. Rather than the applicant bringing both a conventional and FOSPRD plan they would come in with a FOSPRD as the standard. Mr. Wysocki explained that as it is now, the developer needs to develop a conventional plan in order to determine the number of lots for the FOSPRD so the Town would need another method of determining that.

## TOWN ADMINISTRATOR REPORT

### Opioid Settlement funds

Mr. Lowe explained that after a few meetings with both Chiefs a few areas have been identified as potential uses for the funds. Mr. Lowe is looking into regional collaboration on a method for disposing of sharps. He will have more information at a future meeting.

## SELECT BOARD BUSINESS

### Public Service Announcements

No public service announcements.

### Future Agenda Items Discussion

Mr. Czekanski asked that the Board begin evaluating the Town Administrators progress toward his FY23 goals.

### Transfer Station Pay-As-You-Throw bag program Conversion-

This item was passed over as Mr. Heglin was unavailable.

### Approve refinance of 66 Bolton Woods Way

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve the refinance of 66 Bolton Woods Way. (Czekanski-yes, Wysocki-yes)**

Nashoba Valley Regional Dispatch District Intermunicipal Agreement

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to execute the Nashoba Valley Regional Dispatch District Intermunicipal Agreement. (Czekanski-yes, Wysocki-yes)**

Sign Approval-626 Main Street

Mr. Patterson was not in attendance. The item was passed over.

Bills/Payroll warrants

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve the bills/payroll warrants W23-18 & W23-18A. (Czekanski-yes, Wysocki-yes)**

Minutes

**On a motion made by Czekanski and seconded by Wysocki, the Board voted by roll call unanimously to approve the regular session minutes from February 16<sup>th</sup>, 2023 and March 2<sup>nd</sup>, 2023. (Czekanski-yes, Wysocki-yes)**

**On a motion made by Czekanski and seconded by Wysocki the Select Board voted by roll call 2-0 to adjourn at 9:04 pm. (Czekanski-yes, Wysocki-yes)**

Respectfully submitted by J. Jacobsen.