

Accepted on October 26th, 2023

Select Board
October 12, 2023
Via Zoom Remote Conferencing*

Robert Czekanski, Chair
Stan Wysocki
Brian Boyle

Don Lowe, Town Administrator
Jenny Jacobsen, Town Secretary

Mr. Czekanski called the meeting to order at 6:46 p.m.

Mr. Czekanski called a joint meeting of the Law Committee and Select Board to order at 6:46pm with a quorum of three members, Czekanski, Boyle and Roemer. Wysocki and Rogers joined the meeting late due to connectivity troubles.

On a motion made by Boyle and seconded by Roemer, the Board voted by roll call vote unanimously to enter executive session to discuss strategy with respect to litigation, Alan DiPietro v. Town of Bolton, U.S. District Court for the District of Massachusetts, Docket. No. 4:23-CV-40004-ADB, if an open meeting may have a detrimental effect on the litigating position of the [Board/Committee] and the chair so declares. (Boyle-yes, Roemer-yes, Czekanski-yes)

The Board returned from executive session at 7:07pm.

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to end the Law Committee meeting. (Boyle-yes, Wysocki-yes, Czekanski-yes)

Ms. Rogers and Mr. Roemer left the meeting prior to the vote.

Event Request

On a motion made by Wysocki and seconded by Boyle the Board voted by roll call vote unanimously to approve the request from Hometown Heroes for a motorcade to honor veterans on Saturday November 11th beginning at 10:45 am at 356 Main Street and travelling to 14 Wattaquodock Hill Road. (Boyle-yes, Wysocki-yes, Czekanski-yes)

Ms. Regan invited the Board to attend the event.

Fire Truck

Chief Legendre was in attendance at the request of the Board to explain the nexus between the cost of the fire truck and the ARPA funds that were requested by Chief Legendre at the September 26th, 2023 Select Board meeting. Chief Legendre submitted a document to the Board explaining the evolution of the fire truck including negotiated cost changes, change orders and additional purchases of thermal imagers and headsets.

Mr. Wysocki was satisfied that the additional purchases justified the apparent delta that was missing in the last presentation.

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to approve \$17,957.50 in ARPA funds for the purchase of the fire truck. (Boyle-yes, Wysocki-yes, Czekanski-yes)

752B Main Street Dog Decision Amendment

Animal Control Officer Phyllis Tower was in attendance to request the Board consider a recommendation to modify decision to accept kennel as built. Ms. Tower reported that the kennel was built as requested though the fencing was not chain link as requested. She opined that the kennel as built would hold the dog as it is not a large breed dog.

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to accept the Animal Control Officer's recommendation to amend the 752B Main Street decision accept the kennel as built. (Boyle-yes, Wysocki-yes, Czekanski-yes)

The International Beverage Service Company liquor license

Mr. Lowe did not anticipate anyone from Avalon Consulting to speak to the request and therefore took the agenda item out of sequence. The Board reviewed the request from Avalon Consulting Group on behalf of The International Beverage Service Company LLC for the change of manager to Winthrop Stevens Alden Jr. for the existing annual all-alcoholic beverages club license at **159 Ballville Road**.

Mr. Czekanski asked to confirm that the paperwork was in order. Ms. Jacobsen explained that once submitted to the ABCC, the investigator at the ABCC will reach out directly to the applicant if there are any deficiencies within the application.

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to approve the license application from The International Beverage Service Company LLC for the change of manager to Winthrop Stevens Alden Jr. for the existing annual all-alcoholic beverages club license at 159 Ballville Road . (Boyle-yes, Wysocki-yes, Czekanski-yes)

OPEB Update

Mr. Wysocki updated the Board on the work of the subcommittee. The recommendation from the subcommittee is going to be on the short term to gradually increase the amount of money that is being put into the OPEB budget line item, which is currently \$50K, by increments of \$25K/year to the foreseeable future and that the school committee will reconvene the subcommittee every 2-3 years for review. Fully funding the liability was not supported by the committee as it would more money than the Towns could bear, roughly \$18-\$19M over 30 years. The subcommittee will be making their final recommendation in November or December before the budget cycle commences.

500 Main Street

Richard Gordon was present and clarified that while he works for Baystate Engineering this project is independent. It has been two years since the project was first brought to the Board (previously presented to Board on 8/19/21) and the group has been working with state and federal agencies. The largest hurdle has been getting approval to break and access to get off Route 495 on to the property. George Connors, civil engineer for the project was in attendance and referenced the materials submitted and the groups interest in partnering with the Town on a MassWorks application. Bill Scully of Kimley Horn Associates out of Waltham who has been working on the project with Mr. Gordon and Mr. Connors. Mr. Scully shared a few slides on ideas on break and access onto the property. The access is currently 50 feet east of the ramp which is not a great access for any development. Current Project is a 240K square feet warehouse and an age restricted housing development containing 24 units. The key issues are a MassDOT/FHWA No Access line that runs most of Main Street frontage and requires approval, MassDOT curb cut permit and design review, Mass DOT will require improvement along Main Street between site and Hudson Road. The project is forecasted to have approximately 418 trips into or out of the warehouse/distribution center and 176 to the housing development daily. The AM Peak and PM Peak estimates were 41 and 43 respectively. The Mass DOT prefers a roundabout solution at the entrance to the warehouse and improvement including a right turn lane turning onto route 85. Mass DOT wanted to see a roundabout

solution for the entrance to 85. Mr. Scully reported that they stated their preference for the traffic light at the 117/85 intersection. Mass DOT is satisfied and the next step is for the group to work with MEPA.

Mr. Connors asked for the Board to consider whether they have a preference of a roundabout or lighted solution at the exit ramp. Mr. Connors made a request for support for the project and cooperation on the MassWorks grant application for the project. The next application process is June of 2024.

Mr. Wysocki noted that any increase to traffic flow will be felt on a road that already has traffic issues.

Mr. Boyle commented that his biggest concerns are that the projects would have a huge impact on the Town's residents and we may want to be thoughtful of the timing of those projects with other significant projects happening on 117. Mr. Boyle asked if there would be a net positive impact on the residents if those projects were complete. Mr. Scully explained that their intent is to accommodate access to the site while minimizing the impact toward the center of the town.

Mr. Lowe explained that if zoning changes are required the critical path is the planning board as they would need to have a hearing by mid-January. Mr. Czekanski commented that he can't see the Town supporting an application to a Mass Works grant until we have a zoning change. Mr. Wysocki added that the applicant needs to get before the Planning Board to seek support of the project prior to seeking zoning changes.

Mr. Czekanski had questions on the ownership structure. Mr. Gordon stated that the project will have an LLC going forward and that the warehouse will be continued to be owned and operated by the LLC. The housing development will be sold. They will be condominiums with an HOA. Mr. Gordon owns three other warehouses and is building a fourth in Holliston and Bellingham. Mr. Gordon has built many residential homes including a 6-unit development as the largest to date.

TOWN ADMINISTRATOR REPORT

Mr. Lowe reported on the MassWorks project for 117/Green/Forbush intersection. The completed paperwork was received for the Complete Streets Program for the \$500K. A slight easement may be required from the school district. Mr. Lowe reported that Superintendent Downing did not have any concern. The wells for the geothermal will be going into the grassy area which could have some logistical concerns for large equipment. The Town is submitting an additional request for \$68K to MassWorks.

SELECT BOARD BUSINESS

Public Service Announcements

There were none.

Future Agenda Items Discussion

There were none.

Formation of a Sub-Committee (Town Administrator Search)

The Board discussed the make up of the sub-committee for the Town Administrator Search. Mr. Wysocki commented that the committee of 9 people worked well the last round. Mr. Wysocki volunteered to serve.

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to form a search committee for the position of the Town Administrator and that the members include the Police Chief, Moderator, Administrative Assistant to the Town Administrator, a business owner to be selected at the December 14th meeting, the Treasurer/HR director, a Select Board member to be Mr. Wysocki, two citizens and the Planning Board Chair and that the Town advertise for the citizens petitions and the business owner with a deadline of responding of November 30th . (Boyle-yes, Wysocki-yes, Czekanski-yes)

Mr. Lowe suggested the Board consider whether to hire a consultant to assist with the search. Mr. Boyle suggested a placeholder on the next agenda for a formal charge for the committee. Mr. Czekanski suggested that the charge for the committee hold until we initiate a discussion with the consultant.

Appointments

The positions were advertised and the volunteers were in response to those advertisements. Mary Ciummo was in attendance and commented that the committee is lucky that these volunteers will bring great technical experience and expertise in understanding data to the committee.

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to appoint Christopher Strus and Kathleen Andrews to the Public Ways Safety Committee. (Boyle-yes, Wysocki-yes, Czekanski-yes)

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to appoint Pamela Harding as representative to Minuteman Advisory Group on Interlocal Coordination (MAGIC). (Boyle-yes, Wysocki-yes, Czekanski-yes)

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to appoint Brian Boyle as a liaison to work directly with the Nashoba Regional School District School Committee. (Boyle-yes, Wysocki-yes, Czekanski-yes)

Continuation of Remote Meetings

Mr. Czekanski brought the agenda item to the Board after a conversation with a resident. Mr. Czekanski would be willing to return to in-person but was comfortable staying with the remote setting. Mr. Wysocki commented that there seems to be an increase in resident participation in the zoom format. Mr. Boyle inquired as to whether the Town Hall has received other complaints to which Mr. Lowe responded that he was not aware of other requests to return to in person meeting.

Discussion on Future Meeting Dates

Board reviewed proposed meeting dates in 2024: January 11th and 24th, February 15th and 29th, March 14th and 28th, April 11th and 25th and May 9th

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to set meeting dates as proposed through May of 2024. (Boyle-yes, Wysocki-yes, Czekanski-yes)

Approve Bills/Payroll warrants

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to approve bills/payroll warrants W24-07, W24-07A . (Boyle-yes, Wysocki-yes, Czekanski-yes)

Minutes

The minutes were corrected to have the correct date of September 14th, 2023.

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to approve the minutes of September 14th, 2023 as amended. (Boyle-yes, Wysocki-yes, Czekanski-yes)

On a motion made by Wysocki and seconded by Boyle, the Board voted by roll call vote unanimously to adjourn at 8:44pm. (Boyle-yes, Wysocki-yes, Czekanski-yes)

Respectfully submitted by J. Jacobsen.