

Select Board Meeting Minutes

Meeting Date: 1/3/2023

Members in Attendance: Arthur Doyle, Chair; Michael Zullas, Vice Chair; Richard G. Wells, Jr., Secretary; Erin Bradley, Member; Roxanne Musto, Member; Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board

Guests: Attorney Kevin Freytag, office of Town Counsel

Meeting Location: Remote-Zoom/Webinar

Time Meeting called to Order: 7:01PM

Time Meeting Adjourned: 10:02PM

- 1. Call to Order**
- 2. Pledge of Allegiance**

Chair Doyle called the Select Board meeting to order at 7:01PM and reported that the meeting is being held remotely under Chapter 22 of the Acts of 2022, introduced the Members of the Board and Staff and led the Pledge of Allegiance.

3. Public Comment

John David Corey-1452 Canton Ave.

Mr. Corey reiterated his support for traffic calming needs throughout Milton.

Alex Hasha- 134 Canton Ave.

Mr. Hasha, a Board Member of Sustainable Milton offered his support for the proposed Climate Action Planning Committee.

Tucker Smith - 1632 Canton Ave.

Ms. Smith, a Board Member of Sustainable Milton offered her support for the proposed Climate Action Planning Committee.

Tracy Dyke Redmond- 9 Ellsworth Road

Ms. Redmond, a Member of Sustainable Milton offered her support of the proposed Climate Action Planning Committee.

4. Discussion/Approval - Town Clerk Susan Galvin to discuss the Votes Act, changes for local elections, including options for Vote by Mail and In-Person Early Voting; request for Warrant Article to accept the provisions of M.G.L. Chapter 41, Section 110A

Ms. Galvin, the Town Clerk joined the Select Board to discuss the Votes Act (Chapter 92 of the Acts of 2022) and the provisions of M.G.L. Chapter 41, Section 110A. Ms. Galvin highlighted a few key areas of the VOTES Act that affect local elections.

- Changes to Voter Registration: 10 days before the election, no longer 20
- Vote by Mail-required for all elections
- Vote-In-Person is not mandated for local elections. Town could opt in per the Select Board and with the support of the Board of Registrars.

The cost for In-person early voting: \$ 11,500 for staff. The turnout for In-Person early voting can range from 12%-45%. Per Ms. Galvin, the vote by mail option is now a bigger draw.

Ms. Galvin provided an overview of the provisions of M.G.L. Chapter 41, § 110A. By accepting the provisions, the Town would determine that the Town Clerk's offices will remain closed as if it were a legal holiday on the Saturday ten days prior to the town election. As a legal holiday, said Saturday would not count as a day against the ten-day count, and the preceding Friday would therefore be the tenth day. If approved by Town Meeting Members, the Town Clerk's office would extend its hours on said Friday and remain open until 5:00 pm in order to register voters.

This proposal would not affect state and federal elections.

Ms. Galvin is working with Attorney Freytag from the Office of Town Counsel to draft a Warrant Article.

Mr. Wells moved to approve the Warrant Article to accept the provisions of M.G.L. Chapter 41, Section 110A. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call to approve the Warrant Article to accept the provisions of M.G.L. Chapter 41, Section 110A.

ZULLAS: YES

WELLS: YES

BRADLEY: YES

MUSTO: YES

DOYLE: YES

5. Discussion/Approval- Wetland replication activity on Town-owned land located on Canton Avenue (Map K, Lot 2, Block 1A) related to the Winter Valley Residences Building 6 project

Attorney Ned Corcoran, Legal Counsel for Winter Valley Residences provided the Board Members with a progress report and an updated timeline. The Department of Public Works, the Town Engineer and the Conservation Commission have approved the proposal. Attorney Corcoran shared the design for the development of the additional residential building that will accommodate 36 units of affordable housing for seniors and individuals with disabilities. Included in the design was the wetland replication.

Mr. John Kiernan, Chair of the Conservation Commission joined the discussion and shared his support in favor of the replication of wetlands on Canton Ave at the Winter Valley complex. Chairman Kiernan explained that Wetlands act as a sponge that help filter containments and improve the quality of water. The water in this region flows into the Neponset River and Pine Tree Brook. Mr. Kiernan noted that Steve Ivas, Milton's Conservation Agent, has been an asset in helping to develop the wetland replication.

Mr. Wells moved to approve the Wetland replication activity on Town-owned land located on Canton Avenue (Map K, Lot 2, Block 1A) related to the Winter Valley Residences Building 6 project and request Town Counsel to draft legal agreements relative to this work, and authorize the Town Administrator to sign on behalf of the Select Board. The motion was seconded by Ms. Musto.

Mr. Zullas requested that the final documents be provided to the Board to review. Mr. Zullas offered a friendly amendment: strike the following: “authorize the Town Administrator to sign on the Board’s behalf and add “subject to the final review of the Select Board on January 18, 2023.” Mr. Wells and Ms. Musto agreed to the friendly amendment.

6. Discussion/Approval-Special Town Meeting - February 13, 2023

a. Approval of Warrant Articles

- i. Select Board - Change Treasurer/Collector position from elected to appointed pursuant to M.G.L. Chapter 41, Section 1B**
- ii. Select Board - Accept the provisions of M.G.L. Chapter 41, Section 110A**
- iii. Select Board- Purchase of Fontbonne Convent located at 930 Brook Road, Milton, MA**
- iv. Select Board – Residential Outdoor Lighting Bylaw**

b. Closure of the Warrant

(a) Approval of articles

(i)

Town Treasurer/ Collector

Following a review by Mr. Milano, Mr. Zullas moved to approve the Warrant Article to change the Treasurer/Collector position from elected to appointed pursuant to M.G.L. Chapter 41, Section 1B. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to Warrant Article to change the Treasurer/Collector position from elected to appointed pursuant to M.G.L. Chapter 41, Section 1B.

ZULLAS: YES

WELLS: YES

BRADLEY: YES

MUSTO: YES

DOYLE: YES

Fontbonne Convent

Mr. Milano explained that the Article provided is based off of previous land acquisition articles. He did note that the Town is still in the early stages of the process. The Article may need to be adjusted as needed. Currently, the article would authorize the Select Board to purchase 930 Brook Road in accordance with a purchase and sale agreement that will be negotiated with the

Town and the Congregation of the Sisters of St. Joseph (if all goes according to plan). In terms of the purchase price, since it is being negotiated, the intent is to borrow the funds, issuing debt which would then be paid by a Debt Exclusion. A Debt Exclusion would require a ballot question. The article would require a 2/3 vote by Town Meeting Member and then it will be placed on the ballot for all Milton residents to approve/disapprove.

The Members had a brief discussion regarding the future costs of the school's design and construction phase and the effect a debt exclusion will have on Milton homeowners.

Mr. Wells moved to approve the Warrant Article to Purchase of Fontbonne Convent located at 930 Brook Road, Milton, MA. The motion was seconded by Mt. Zullas. The Board voted unanimously by roll call (5-0) to approve the Warrant Article to Purchase of Fontbonne Convent located at 930 Brook Road, Milton, MA

ZULLAS: YES
WELLS: YES
BRADLEY: YES
MUSTO: YES
DOYLE: YES

(iv.)

Residential Outdoor Lighting Bylaw

Ms. Bradley noted that the proposed article relative to a residential outdoor lighting bylaw must address lighting concerns at Turner's Pond. In order to do so, the article will need to be reviewed and by the Planning Board and Board of Appeals. The Article will not be ready for the Special Town Meeting in February. Ms. Bradley will continue to work with Attorney Kevin Freytag from the Office of Town Counsel on this matter.

(b)

Closure of Warrant

Mr. Wells moved to close the Warrant for the Special Town Meeting scheduled for Monday, February 13, 2023. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to close the Warrant for the Special Town Meeting on February 13, 2023.

ZULLAS: YES
WELLS: YES
BRADLEY: YES
MUSTO: YES
DOYLE: YES

7. Discussion – Select Board articles for the Annual Town Meeting

The Board had a brief discussion regarding the Annual Town Meeting and the timeline. The Warrant is scheduled to close on January 11, 2023.

8. Approval - No Place for Hate Proclamation to be read Monday, January 16, 2023 in honor of Dr. Martin Luther King, Jr.

Mr. Wells moved to approve the No Place for Hate Proclamation in honor of Dr. Martin Luther King, Jr. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve the No Place for Hate Proclamation in honor of Dr. Martin Luther King, Jr.

ZULLAS: YES
WELLS: YES
BRADLEY: YES
MUSTO: YES
DOYLE: YES

9. Discussion/Update - Animal Shelter Progress Report and Site

Mr. Tim Czerwienski, Director of Planning and Community Development joined the meeting to provide the Board with a progress report on the Animal Shelter project.

In December 2021, Requests for Proposals for general contractors and sub-contractors were submitted. Bids far exceeded the funding Milton Animal League has available from the donor. The estimated cost is approximately \$1,000 per square foot. The Animal Shelter Advisory Committee pursued new options.

In September 2022, the Select Board approved the Agreement for the new animal shelter Project Manager, Hill International. The Animal Shelter Advisory Committee has been working with Hill International and the architects at Rauhaus, Freeddenfeld & Associates to create a modular facility on the Access Road and maximize the efficiency of the space. The size of the building has been reduced to 4,100 square feet. Hill International is currently developing the Request for Proposals, (RFP) for a modular contractor to be released in early February.

Mr. Wells expanded upon the history of the Animal Shelter. He asked the Board Members to consider as Trustees of the Governor Stoughton Trust an alternative proposal and site location for the Animal Shelter that was crafted by the representatives of the Milton Animal League. The Board Members agreed to review and discuss this proposal at a meeting of the Governor Stoughton Trustees on January 10th.

10. Discussion/Update - FY2024 Budget

This matter has been deferred to a future meeting.

11. Discussion/Approval - MassDOT Response to the Town of Milton's Letter re: the proposed project at Route 28 (Randolph Avenue) and Chickatawbut Road

Mr. Milano will draft a follow-up letter to MassDOT and have it ready for the Members to review at the next meeting. Mr. Milano tried to contact representatives at MassDOT to discuss the proposal for Route 28 and Chicatawbut intersection and the Town's concerns, but to no avail.

**12. Discussion/Approval - Equity and Justice for All Advisory Committee Report
Mailing to Town Meeting Members**

a. Transmittal letter for distribution of the report

Chair Doyle moved to approve the transmittal letter for the distribution of the Equity and Justice report. The motion was seconded by Mr. Wells. The Board voted unanimously by roll call vote (5-0) to approve the transmittal letter for the distribution of the Equity and Justice report

**ZULLAS: YES
WELLS: YES
BRADLEY: YES
MUSTO: YES
DOYLE: YES**

b. Letter to the Town Moderator requesting permission for the Equity and Justice for All Committee to make a Presentation on their Report at the Special Town Meeting in February

This matter has been deferred to a future meeting.

13. Discussion / First Reading: Other Post-Employment Benefits Policy

Other Post- Employment Benefits are benefits other than pensions that the local municipal governments provide to their retired employees. These benefits principally involve health care benefits but may include life insurance, disability, legal and other services. The policy is a mechanism that will help Milton pay down the liability and in the future allow the Town to drawdown from the Trust rather than the operating budget.

Mr. Zullas moved to a second reading: Other Post-Employment Benefits Policy. The motion was seconded by Ms. Bradley. The Board voted by roll call (4-0) to move the Other Post-Employment Benefits Policy to a second reading.

**ZULLAS: YES
WELLS: ABSTAIN
BRADLEY: YES
MUSTO: YES
DOYLE: YES**

14. Discussion - Climate Action Planning Committee

Mr. Zullas highlighted a few key facts on why Milton should establish a Climate Action Planning Committee.

Many Massachusetts cities and town have already begun to address climate action within their community, but Milton has not made much progress on this important issue.

By creating a Climate Action Planning Committee, Milton could help reduce community-wide greenhouse gas emissions from the 1990 baseline levels in alignment with the targets set by Massachusetts law, which are currently by at least 50% by the year 2030 (M.G.L. Chapter 21N, Section 4(h)), by 75% by the year 2040 (M.G.L. Chapter 21N, Section 4(h)), and to net zero emissions by the year 2050 (M.G.L. Chapter 21N, Section 3(b)(vi));

By reviewing and evaluating the Town bylaws, regulations, and policies, the Committee could make recommendations for strategies for greenhouse gas emission reduction, mitigating climate risks, energy efficiency, and renewable energy.

The Board Members were receptive and shared their comments/suggestions. The Board will address this matter again on January 18, 2023.

15. Town Administrator's Report

Mr. Milano congratulated Ms. Joyce Darmeko, the Assistant Town Treasurer on her retirement. He also congratulated Ms. Krystal Rich on her recent promotion to Assistant Town Treasurer.

Mr. Milano welcomed Katina Goodridge and Karen Dilworth to Town Hall. Ms. Goodridge is the new Senior Administrative Clerk in Inspectional Services and Ms. Dilworth is the new Senior Administrative Clerk in the Clerk's office.

There are employment opportunities available at Town Hall. Please visit the Town website or contact Paige Eppolito, Director of Human Resources, for more details.

16. Chair's Report

Chairman Doyle provided updates on the status of two bills in the Legislature.

S. 3127: An Act relative to the Town Administrator in the Town of Milton was signed by Governor Baker on December 29, 2022

S. 3124, An Act Establishing Speed Limits on portions of State Highway Route 28 and Chickatawbut Road in the Town of Milton is awaiting approval from Governor Baker.

17. Public Comment Response

Mr. Wells and Ms. Musto expressed their appreciation to Annemarie Fagan, the Interim Town Administrator, for her hard work and support.

Mr. Wells offered to draft a congratulatory note to Maura Healey, the Governor Elect and wish her well.

Ms. Musto requested that the Select Board consider posting their meeting materials for the general public to view prior to the scheduled meeting.

18. Future Meeting Dates:

The Board will meet on Tuesday, January 10, 2023 (Meeting of the Governor Stoughton Trustees), Wednesday, January 18, 2023, Tuesday, February 7, 2023 and Monday, February 13, 2023.

19. Executive Session - Pursuant to M.G.L. c. 30A, § 21(a)(6) -To consider the purchase, exchange, lease or value of real property located at 930 Brook Road (Fontbonne Convent)

At 9:16PM, Chair Doyle moved to enter into Executive Session to consider the purchase, exchange, lease or value of real property located 930 Brook Road (Fontbonne Convent, Sisters of St. Joseph) based on my belief that discussion of this matter in open session may have a detrimental effect on the negotiating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Wells. The Board voted by roll call (5-0) to enter into Executive Session. The Board will not return to Open Session.

**ZULLAS: YES
WELLS: YES
BRADLEY: YES
MUSTO: YES
DOYLE: YES**

20. Executive Session- Executive Session – Pursuant to M.G.L. c. 30A, § 21(a)(3) - To discuss strategy with respect to litigation against the Massachusetts Bay Transit Authority regarding the condition of the stairs located at the MBTA station located at Adams Street, Milton, MA

Chair Doyle moved to enter into Executive Session to discuss litigation strategy against the Massachusetts Bay Transit Authority (MBTA) related to the condition of the stairs at the MBTA station located at Adams Street, Milton, MA based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Wells. The Board voted by roll call (5-0) to enter into Executive Session. The Board will not return to Open Session.

**ZULLAS: YES
WELLS: YES
BRADLEY: YES**

MUSTO: YES
DOYLE: YES

21. Adjourn

Mr. Wells moved to adjourn at 10:02PM. The motion was seconded by Ms. Musto. The Board voted by roll call (5-0) to adjourn.

ZULLAS: YES
WELLS: YES
BRADLEY: YES
MUSTO: YES
DOYLE: YES

Respectfully Submitted by Lynne DeNapoli, Executive Administrative Assistant to the Select Board.

Documents

Memo from the Town Clerk regarding the Votes Act: Chapter 92 of the Acts 2022
Letter from the Town Engineer to the Planning Board- Winter Valley Residences Building 6
Storm-water/ Solid Waste/General Conditions Review
Site Plan Approval Winter Valley-Building 6
Stormwater Operation and Maintenance Plan, Winter Valley Residences presented by the Planning Board
Special Town Meeting Article I: - Change Treasurer/Collector position from elected to appointed pursuant to M.G.L. Chapter 41, Section 1B
Special Town Meeting Article II: Accept the provisions of M.G.L. Chapter 41, Section 110A.
Proposed Warrant Article: Outdoor Residential Lighting
Proclamation honoring Dr. Martine Luther King, Jr. No Place for Hate
MassDOT Response to the Town of Milton's Letter re: the proposed project at Route 28 (Randolph Avenue) and Chickatawbut Road
Draft-Other Post-Employment Benefits Policy