

## Select Board Meeting Minutes

**Meeting Date:** 1/18/2023

**Members in Attendance:** Arthur Doyle, Chair; Michael Zullas, Vice Chair, Roxanne Musto, Member; Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board

**Late Arrival:** Richard G. Wells, Jr., Secretary; Erin Bradley, Member

**Guests:** Attorney Kevin Freytag, office of Town Counsel

**Meeting Location:** Cronin Conference Room-Hybrid

**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 7:03PM. He introduced the Members of the Board and Staff and led the Pledge of Allegiance.

### **3. Public Comment**

Henry MacLean-147 School Street

Mr. MacLean is a member of Sustainable Milton and he supports the Climate Action Planning Committee.

Cheryl Tougias-address not provided.

Ms. Tougias is an architect and a Member of the Milton Planning Board. She supports the Climate Action Planning Committee.

Nancy Wilber: 50 Caroline Drive

Ms. Wilber read a letter on behalf of Fuller Village. 121 Residents of Fuller Village support the Climate Action Planning Committee.

Lucy Meadows-12 Colombine Road

Ms. Meadows supports the Climate Action Planning Committee.

Tia Puyner- 45 Oak Road

Ms. Puyner is a student at Milton Academy and a member of Sustainable Milton. Ms. Puyner supports the Climate Action Planning Committee.

Senator Walter Timilty

The Senator noted that he has re-filed SD 641: An Act Establishing Speed Limits on portions of State Highway Route 28 and Chickatwbut Road in the Town of Milton.

Representatives William Driscoll and Brandy Fluker Oakley will co-sponsor in the House of Representatives. The bill formerly known as S. 3124 was engrossed by the House and Senate this past Fall, but not signed into law by Governor Baker.

Senator Timilty had an impromptu meeting with Gina Fiandaca, the new Secretary of MassDOT during Governor Healy's inaugural ceremony. He explained the urgency of making changes to Route 28 and Chickatawbut Road. The Senator and invited the Secretary to come and tour the area.

The Senator followed up his conversation with Secretary Fiandaca with a formal written request to address the speed limits on this state highway.

The Board Members and the Senator had a brief discussion regarding their concerns about MassDOT's plans to develop a roundabout at the Route 28 and Chickatawbut intersection.

Mr. Zullas asked that a future visit to Milton by Secretary Fiandaca include a tour of Adams Street T Station.

The Senator also noted that he and Chief King worked together to secure \$20,000 in funding for patrols on both Route 28 and Route 138.

- 4. Public Hearing - Transfer of liquor license # 00012-RS-0720 from Welch Restaurant Management, LLC d/b/a Abby Park located at 550 Adams Street to 556 Adams Street LLC**
  - a. Discussion/Approval - Transfer of liquor license # 00012-RS-0720 from Welch Restaurant Management, LLC d/b/a Abby Park located at 550 Adams Street to 556 Adams Street LLC**

Chairman Doyle opened the Public Hearing at 7:33PM and invited Mr. Vance Welch of Welch Restaurant Management to update the Board on the request to transfer the Liquor License.

Prior to Mr. Welch's comments, Mr. Milano provided the Board Members with an update. The Local Licensing Board received the Transfer Request in November. Milton's liaison at ABCC recommended that the Select Board/local Licensing Board transfer the license once the renewal process is complete. The liquor license for Abby Park has been renewed for calendar year 2023 on December 6, 2022.

Mr. Vance Welch explained that the transfer request is for an internal transaction. Members of 556 Adams Street LLC are purchasing the Membership at Welch Management, LLC, d/b/a Abby Park. Both companies will be owned and operated by the same group.

The Chair inquired if Members of the Public requested to speak. No comments/requests from the Public, per Mr. Milano.

Mr. Zullas reiterated the change of ownership and Mr. Welch was in agreement. Mr. Welch noted that one original Member of Welch Restaurant Management, LLC is stepping back and a Member of 556 Adams Street has opted to take that position.

Mr. Zullas moved to close the public hearing. The motion was seconded by Ms. Musto. The Board voted by roll call: (3-0) to close the public hearing.

**ZULLAS: YES**

**MUSTO: YES**

**DOYLE: YES**

Mr. Wells joined the meeting at 7:37PM.

Mr. Zullas moved to approve the Transfer of liquor license # 00012-RS-0720 from Welch Restaurant Management, LLC d/b/a Abby Park located at 550 Adams Street to 556 Adams Street LLC. The motion was seconded by Ms. Musto. The Board voted all in favor to approve the Transfer of liquor license # 00012-RS-0720 from Welch Restaurant Management, LLC d/b/a Abby Park located at 550 Adams Street to 556 Adams Street LLC.

**5. Discussion/Approval - Agreement for Maintenance of the Existing Deck at 5 Woodward Court, Milton, MA**

Marion McEttrick, the Attorney representing the homeowners of 5 Woodward Court (Jose and Marcia Serpa) joined the meeting to provide the Board an update on the proposed Maintenance Agreement.

Mr. Wells moved to approve the Agreement for Maintenance of the Existing Deck at 5 Woodward Court, Milton, MA. The motion was seconded by Ms. Musto. The Board voted all in favor to approve.

**6. Discussion/Approval - Memorandum of Understanding and License Agreement for 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**

Mr. Wells moved to approve the Memorandum of Understanding and License Agreement for 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. The motion was seconded by Ms. Musto. The Board voted all in favor to approve.

Ms. Bradley joined the webinar at 8:24PM  
All future votes will be done by roll call.

**7. Discussion/Approval - Recommendation of the Planning Board – Draft Action Plan for the MBTA Communities law**

Chair Doyle welcomed Mr. Czerwienski, Director of Planning and Community Development and invited him to present the draft Action Plan for the MBTA Communities Law required by the Department of Housing and Community Development, DHCD and due on January 31, 2023.

Enacted as part of the economic development bill in January 2021, new Section 3A of M.G.L. Chapter 40A (the Zoning Act) requires that an MBTA community shall have at least one zoning district of reasonable size in which multi-family housing (three or more units) is permitted as of right and meets other criteria set forth in the statute:

- Minimum gross density of 15 units per acre
- Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- No age restrictions
- Suitable for families with children.

Towns that do not comply with the new requirements will be ineligible for MassWorks, Housing Choice, and Local Capital Projects funds.

- Milton is considered a Rapid Transit Community.
- In order to comply with Section 3A, Milton must create by-right zoning districts of at least 50 acres that have a zoned capacity for 2,461 new multi-family units

Following a discussion amongst the Members and Mr. Czerwienski, Mr. Zullas moved to approve the Action Plan recommended by the Milton Planning Board for the MBTA Communities and authorize the Town Administrator to submit the Action Plan. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call to approve the Action Plan.

**ZULLAS: YES**

**WELLS: YES**

**BRADLEY: YES**

**MUSTO: YES**

**DOYLE: YES**

### **8. Discussion/Approval - Contract Amendment with Rauhaus Freedenfeld & Associates for the Animal Shelter Project**

Mr. Czerwienski, Director of Planning and Community Development provided a brief update on the architectural firm responsible for designing the Animal Shelter.

Mr. Wells moved to approve the 4<sup>th</sup> Addendum to the Contract with Rauhaus Freedenfeld & Associates for the Animal Shelter Project and authorize the Town Administrator to sign on behalf of the Select Board. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve the 4<sup>th</sup> Addendum to the Contract with Rauhaus Freedenfeld & Associates for the Animal Shelter Project.

**ZULLAS: YES**

**WELLS: YES**

**BRADLEY: YES**

**MUSTO: YES**

**DOYLE: YES**

9. Discussion/Update/Approval-Special Town Meeting - February 13, 2023
  - a. Approval of Index, Greeting Page, and the Warrant
    - i. Select Board - Accept the provisions of M.G.L. Chapter 41, Section 110A
    - ii. Select Board - Change Treasurer/Collector position from elected to appointed pursuant to M.G.L. Chapter 41, Section 1B
    - iii. Select Board- Purchase of Fontbonne Convent located at 930 Brook Road, Milton, MA

Mr. Milano provided the Board with the Index, Greeting Page and Warrant for the Special Town Meeting scheduled for February 13, 2023. Mr. Milano provided the Board with an update on the status of the Articles and action taken by the Warrant Committee. Mr. Milano noted that there will be no recommendation from the Warrant Committee regarding Article #3: the purchase of Fontbonne Convent located at 930 Brook Road, Milton, MA. The Town is waiting for the Congregation of the Sisters of St. Joseph to respond to the Town's offer.

Mr. Milano asked Attorney Kevin Freytag from the Office of Town Counsel to clarify the reference of *eminent domain* in Warrant Article #3. Attorney Freytag explained that the term *eminent domain* is standard in land purchase transactions for the Town of Milton and is used as a precautionary measure. Mr. Milano added that the address for Fontbonne Convent will now include the Assessor's Parcel ID.

Mr. Wells moved to approve the Index, Greeting Page, and 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 approve the Index, Greeting Page, and the Warrant for the Special Town Meeting.

**ZULLAS: YES**

**WELLS: YES**

**BRADLEY: YES**

**MUSTO: YES**

**DOYLE: YES**

**10. Discussion/Approval- Annual Town Meeting-May 1, 2023**

- a. Approval of Warrant Articles
- b. Warrant Article: Outdoor Residential Lighting
- c. Closure of the Warrant

Mr. Milano provided a brief overview to the Board Members of new Warrant Articles submitted for consideration at the Annual Town Meeting scheduled for May 1, 2023. Mr. Milano noted that articles K-O require additional research before they can be approved by the Select Board.

Article	Title	Page
A	Rescind Unissued Debt	
B	Accept provisions of M.G.L. Chapter 44, § 53F½ to establish a PEG Access Enterprise Fund effective Fiscal Year 2024	
C	PEG Access Enterprise Fund Appropriation	
D	Authorize Special Purpose Stabilization Fund for Opioid Settlement Funds	
E	Adopt Organization, Numbering, and Generic Changes to the General Bylaws of the Town	
F	Adopt Organization, Numbering, and Generic Changes to the Zoning Bylaws of the Town	
G	School Building Committee Appropriation	
H	Authorize Select Board to acquire property located off Gile Road	
I	Transfer land and petition the General Court for Special Legislation related to Article 97	
J	Community Preservation Committee Project Recommendations	
K	Bylaw Review Committee term extension and appropriation	
L	Historic District Bylaw	
M	Departmental Revolving Fund for the Department of Public Works permit fees	
N	Appropriate as-built deposits	

**Zoning Articles:**

Article	Title	Page
O	Outdoor Residential Lighting	

Mr. Wells moved to approve Warrant Articles noted as A-J for the Annual Town Meeting on Monday, May 1, 2023:

- a. Rescind Unissued Debt
- b. Accept provisions of M.G.L. Chapter 44, § 53F½ to establish a PEG Access Enterprise Fund effective Fiscal Year 2024
- c. PEG Access Enterprise Fund Appropriation
- d. Authorize Special Purpose Stabilization Fund for Opioid Settlement Funds
- e. Adopt Organization, Numbering, and Generic Changes to the General Bylaws of the Town

- f. Adopt Organization, Numbering, and Generic Changes to the Zoning Bylaws of the Town
- g. School Building Committee Appropriation
- h. Authorize Select Board to acquire property located off Gile Road
- i. Transfer land and petition the General Court for Special Legislation related to Article 97

The motion was seconded by Mr. Zullas. Prior to the roll call vote, the Board briefly discussed the article relative to Outdoor Residential Lighting as well as the article submission process per Ms. Bradley’s request. The Board voted unanimously by roll call (5-0) to approve the Warrant Articles for the Annual Town Meeting.

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

Mr. Zullas moved to close the Warrant for the Annual Town Meeting on Monday, May 1, 2023. The motion was seconded by Mr. Wells. The Board voted unanimously by roll call (5-0) to close the Warrant for the Annual Town Meeting.

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

**11. Committee Appointments**  
**A Reappointments to the Municipal Broadband Committee**

- i. Mark Day**
- ii. Rob Lynch**
- iii. John Sullivan**
- iv. Joseph Chamberlain**

Mr. Zullas moved to re-appoint the following individuals to the Municipal Broadband Committee: Mark Day, Rob Lynch, John Sullivan, and Joseph Chamberlain for terms to expire on June 30, 2023. The motion was seconded by Mr. Wells. The Board voted unanimously by roll call (5-0) to re-appoint the following individuals to the Municipal Broadband Committee: Mark Day, Rob Lynch, John Sullivan, and Joseph Chamberlain

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

**MUSTO: YES**  
**DOYLE: YES**

**12. 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 noted that MassDOT provided a response to the Town's letter. The agency requested more time to research and evaluate the concerns raised by the Select Board regarding the proposed design of the roundabout. Mr. Milano will follow-up with the

**Discussion/Update - S. 3124 An Act Establishing Speed limits on portions of Route 28 and Chickatawbut Road in the Town of Milton**

The Board agreed by consensus to support this bill.

**13. Discussion/Approval - 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 this matter to a future meeting when Mr. Hiss, the Town Moderator can attend.

**15. Discussion / Approval - Select Board Finance Committee Report**

- a. FY2024 Budget**
- b. American Rescue Plan Act project and funding update**
- c. S&P Ratings Call, February 2023 bond issuance, upcoming bond issuances**

Mr. Zullas, Chair of the Select Board Finance Committee provided his colleagues with a status update on the FY'2024 budget. The Committee met with the School Finance Sub-Committee and the full School Committee earlier this morning.

Mr. Zullas explained that all estimates are preliminary. Departments are in the process of developing their budgets. The School Department has voted a needs-based budget of \$62,484,812. This would result in a needs-based school budget and a level service budget for all other departments of approximately \$4.3 million in deficit. The Finance Committee has asked the Town Administrator and the Finance Director to compile an apples to apples review of a needs based budget for all the Town Departments in order to get an accurate picture. The deficit could rise. Additional information regarding revenue sources and free cash is expected in the coming weeks.

**16. Discussion/Approval - FY2024 Select Board Budget and Select Board/Town Administrator's Office staffing**

Per Mr. Milano's request, the Board has deferred this discussion to a later date.



**17. Discussion / Approval- Second Reading: Other Post-Employment Benefits Policy**

Mr. Zullas moved to approve the Other Post-Employment Benefits Policy. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to approve the Other Post-Employment Benefits Policy.

**ZULLAS: YES**

**WELLS: YES**

**BRADLEY: YES**

**MUSTO: YES**

**DOYLE: YES**

**18. Discussion/Approval – Creation of and Charge for a Climate Action Planning Committee**

Mr. Zullas moved to approve the Creation of and Charge for a Climate Action Planning Committee. The motion was seconded by Mr. Wells. The Board voted unanimously by roll call (5-0) to approve the Creation of and Charge for a Climate Action Planning Committee.

**ZULLAS: YES**

**WELLS: YES**

**BRADLEY: YES**

**MUSTO: YES**

**DOYLE: YES**

**19. Approval Meeting Minutes: December 5, 2022, December 6, 2022 and December 21, 2022**

Mr. Wells moved to approve the meeting minutes subject to modifications for December 5, 2022, December 6, 2022 and December 21, 2022. The motion was seconded by Ms. Musto. The Board voted The Board voted unanimously by roll call (5-0) to approve the meeting minutes for December 5, 2022, December 6, 2022 and December 21, 2022.

**ZULLAS: YES**

**WELLS: YES**

**BRADLEY: YES**

**MUSTO: YES**

**DOYLE: YES**

## **20. Town Administrator's Report**

- Mr. Milano extended his congratulations to Rob Mallet on his promotion as IT Director.
- Plans are in place to fill the vacancy in the IT Department
- The recent Norfolk County Manager's Meeting focused on the MBTA Communities Zoning law.
- The MMA Annual Meeting is scheduled for Friday, January 20<sup>th</sup> and Saturday, January 21<sup>st</sup>, Representatives from Milton will be in attendance.
- The Town of Milton will be receiving an award during the MMA Annual Meeting from MIAA Property and Casualty Group, Inc for Risk Management Efforts. Thank you to Paige Eppolito, Bill Ritchie and Chase Berkeley for their hard work on this initiative.
- The School Committee has chosen Dr. Peter Burrows to lead MPS as the new Superintendent of Schools. Mr. Milano offered his congratulations to Dr. Burrows on behalf of the Town and is looking forward to working with him.
- The Standard and Poor Rating Call is scheduled for January 19<sup>th</sup> with the Town of Milton
- The Assessors Office Staff will be hosting a Tax Exemption Course at the Council on Aging on January 25<sup>th</sup> at 1PM.
- Nomination Papers for the Annual Town Election on April 25<sup>th</sup> are now available in the Town Clerk's office.

## **21. Chair's Report**

No Comments

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

Thank you to Lisa Ward and the Milton Interfaith Clergy Association for hosting the Annual Dr. Martin Luther King, Jr. Celebration on January 16<sup>th</sup>.

## **22. Public Comment Response**

No Comments.

## **23. Future Meeting Dates**

The Select Board will meet on Tuesday, January 24, 2023 at 7:30PM, February 7, 2023 at 7PM, February 13, 2023 at 6:30PM and Tuesday, February 21, 2023 at 7PM. Meeting times are scheduled to change.

At 9:35PM, Mr. Wells moved to recess from the Select Board Meeting and Call to Order the Meeting of the Trustees of the Governor Stoughton Trust. The Select Board will return to Open Session. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to recess the Select Board Meeting and Call to Order the Meeting of the Trustees of the Governor Stoughton Trust.

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

At 10:17PM the Select Board returned to Open Session.

**24. 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 10:17PM, 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 adjourn from the Ex. Session and not return to Open Session.

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

**25. Discussion/Approval - Purchase and Sales Agreement with the Congregation of the Sisters of St. Joseph re: purchase a portion of the property located at 930 Brook Road**

The Board will defer this item to a future meeting.

**26. 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 adjourn from the Ex. Session and not return to Open Session.

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

**27. Executive Session - Pursuant to M.G.L. c. 30A, § 21(a)(3) - Discussion/Strategy with respect to litigation filed by the Town of Milton v. Federal Aviation Administration, No. 22-152 (U.S. Court of Appeals, First Circuit)**

Chair Doyle moved on behalf of the Select Board to enter into Executive Session to discuss litigation strategy with respect to litigation filed by the Town of Milton v. Federal Aviation Administration, No. 22-152 (U.S. Court of Appeals, First Circuit) 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 motion was seconded by Mr. Wells. The Board voted by roll call (5-0) to enter into Executive Session. The Board will adjourn from the Ex. Session and not return to Open Session.

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

**28. Adjourn**

Ms. Musto moved to adjourn at 10:47PM. The motion was seconded by Mr. Wells. The Board voted unanimously 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

Application to transfer the Liquor License from Welch Restaurant Management, LLC d/b/a Abby Park located at 550 Adams Street to 556 Adams Street LLC  
Agreement for Maintenance of the Existing Deck at 5 Woodward Court, Milton, MA  
Memorandum of Understanding and License Agreement for 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  
Recommendation of the Planning Board – Draft Action Plan for the MBTA Communities law  
Contract Amendment with Rauhaus Freedenfeld & Associates for the Animal Shelter Project  
Greeting Page, Index and Warrant for the Special Town Meeting scheduled for February 13, 2023  
Warrant Article Submissions for the Annual Town Meeting scheduled for May 1, 2023  
MassDOT Response to the Town of Milton’s Letter re: the proposed project at Route 28 (Randolph Avenue) and Chickatawbut Road  
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  
Other Post-Employment Benefits Policy  
Charge of Climate Action Planning Committee  
Meeting Minutes: December 5, 2022, December 6, 2022 and December 21, 2022.