

SELECT BOARD MEETING
TUESDAY, JANUARY 31, 2023- 7:30 PM
THE GREAT HALL 10 PEARL STREET, 3RD FLOOR
STOUGHTON, MA 20272
AND VIRTUALLY VIA GOOGLE MEETS

In accordance with Governor Baker's declaration of June 16th, 2021, granting certain pandemic-related authorizations to public boards and town meetings and recently extended until March 31, 2023, this meeting will be conducted both in person and virtually via Google Meets for those who wish to participate remotely.

A comprehensive record of the proceeding will be posted on the Town's website and/or SMAC as soon as possible after the meeting if live broadcast or livestreaming is unsuccessful. Times are approximate and items may be taken out of order at the discretion of the Chairman.

Present: Debra Roberts, Chair, Stephen Cavey, Vice Chair, Scott Carrara, Louis Gitto, Tom Calter, Town Manager, Marc Tisdelle, Town Engineer and Attorney Brian Winner.

Absent: Joseph Mokrisky.

1. Open Session- Call to Order and Pledge of Allegiance

Chair Roberts called the meeting to order at 7:41 p.m. The motion was made and seconded to open the meeting. The motion passed.

Members Roberts, Cavey, Carrara and Gitto responded present to the roll call. Mr. Mokrisky absent due to business. Chair Roberts asked all to stand for the Pledge of Allegiance. Chair Roberts read into the record Governor's Baker declaration on Open Meetings.

Chair Roberts updated the agenda, noting that item e. Confirmatory Order of Taking - Bergeron Way on the Consent Agenda was withdrawn.

2. Select Board Comments

Mr. Gitto explained that he had spoken with the Town Clerk regarding applications for Town Meeting representatives. He said the number is low and urges citizens to participate. Town Meeting is the government of the Town. The time to apply ends on February 14, 2023.

Select Board Open Session
Tuesday, January 31, 2023 7:30 PM

Mr. Cavey spoke about his participation on the Massachusetts Select Board of Directors (MSA). He said he was reluctant to mention this until he discovered that the Chair Debra Roberts had been promoted to serve as the first Vice President of the MSA Board. Mr. Cavey congratulated Ms. Roberts and stated that of the 5-member board, Stoughton, was now represented by 2. The audience applauded acknowledging the new honor for Ms. Roberts.

Ms. Roberts thanked Mr. Cavey and said that she was glad to work with him to engage the citizenry. She asked the residents for input for the RDA, noting that the Town leads in this area.

Mr. Cavey said the Town participates in REMAP. The decision to actively participate in diverse hiring practices identifies Stoughton as a welcoming community. Mr. Cavey said he wants to see this model recommended to other communities. Mr. Cavey also spoke to another of his concerns, ways to bring more senior housing to Town.

3. Town Manager Comments

Mr. Calter expressed excitement that monthly claims for Vietnam Veterans had increased from \$1700 to \$2000. He thanked Mr. Sean Butrica, Director of Veterans Affairs and his staff.

Mr. Calter updated information on the progress at the site for the Fire Station. He said demolition would begin soon. The hazardous material team should complete its work by Thursday, February 2, 2023. He said pest control is in place, air samples have been taken and the hygienist should clear the property for demolition by February 9, 2023.

Mr. Calter informed the public of a meeting scheduled for February 13, 2023, to explain water/sewer rate increases as a result of underfunding.

Lastly, Mr. Calter commented that the mistake in the issuance of the FY23 property taxes had been corrected. New bills would be sent out on February 3, 2023 for both third and fourth quarters, both due date May 1, 2023, with an explanation of the error. He said payments already made would be credited toward the balances. Mr. Calter thanked the staff for its quick and efficient resolution of the error, and he thanked the Select Board for providing pizza to the staff that had worked hard to overcome the error and the delay.

4. Citizen Comments

Chair Roberts reminded citizens of the ground rules for comments.

Mr. Scott Heller, 559 Plain Street resident, asked the Board to take a serious look at speeding traffic on Plain Street, that has resulted in at least one fatality. He commented that, because of a blind turn, residents have lost mailboxes and telephone poles have been replaced. Mr. Heller thanked Mr. Gitto and the Chief of Police for reviewing the data. He said, there is grave danger, and he is afraid to let his children out on the street alone.

Mr. Calter asked Mr. Heller to call Ms. Kowalczykowski with his contact information and he and Mr. Tisdelle will schedule a visit to the area.

Mr. Cavey said that he had seen the emails relative to this matter. He thanked Mr. Heller and noted that Sergeant O'Connor, Traffic Officer, was aware.

Mr. Carrara responded that it might not be necessary to have a traffic study, but relief could be provided with signage/flashing lights warning the blind turn.

Mr. Tisdelle thanked Mr. Heller and informed him that discussions were underway with Sergeant O'Connor.

Mr. Nathan Cleveland, 527 Plain Street resident, spoke in support of Mr. Heller's request. He said he was pleased to know that the situation was on the Board's radar.

Mr. Mark Zamanian, Chair of the Community Preservation Committee (CPC) requested the Board to write a letter of support for the Committee to the legislators recommending the efforts of the Committee. Mr. Zamanian listed the following accomplishments:

\$9,000,000 to Town projects

\$1,400,000 million to the High School

\$300,000 for Halloran Park Sports Complex

\$370,000 for emergency repairs

\$700,000 for a new playground

Stoughton has received \$2.7 million from the State with \$344,000 coming in year 2022. Mr. Zamanian asked to be scheduled for the next agenda so requests could be made to fund 10-11 new projects.

Ms. Cynthia Walsh, 1096 Turnpike Street resident, was happy to report that for once she had read a positive article in the Globe. Massachusetts Department of Transportation (MASSDOT) had purchased 12 new snowplows and had invited elementary students to name them. Ms. Walsh said one of the Stoughton elementary schools had been chosen and had named one of the plows "Snowdrop."

Mr. Peter Murphy, precinct 2, Turnpike Street resident, spoke on behalf of residents on Turnpike Street who are requesting sidewalks the length of Turnpike, more important now that there is increased traffic on the street. Mr. Murphy asked for a warrant article but was informed that he had missed the deadline. He mentioned that Senator Timilty would seek grant money.

Mr. Cavey asked if this issue was already being considered.

Mr. Tisdelle responded yes, but Park Street to 10th Street, not Park Street to Central Street.

Mr. Cavey agreed to the importance of the request stating that he believed articles from petitioners are automatically inserted into the warrant.

Mr. Murphy repeated that this is not a new issue and asked for discussion to be continued at the next meeting of the Board.

Ms. Roberts assured Mr. Murphy that the Board heard the request and that the matter would not be overlooked.

Mr. Paul Smith, 60 Cottonwood resident, expressed concern over the treatment he received at the last SMAC meeting. He questioned the last vote and management of ballots.

Mr. Peter Banis Walnut Court complimented Mr. Calter on his efforts to provide a 5-year capital plan and for meeting with the Finance Committee. He is hopeful Mr. Calter will continue to provide transparency.

Ms. Joanna Riley, Prospect Street resident, commented that she was glad to hear that the health issue at 400 Prospect Street was being addressed.

5. Consent Agenda

- a. Approval of Open Session Meeting Minutes of: October 27, 2022, December 20, 2022, December 27, 2022, January 3, 2023, January 10, 2023, January 17, 2023
- b. Agreement between Town of Stoughton and Stoughton Public Works
- c. Milton CAT Sewer Easement Agreement-revised
- d. Utility, Use and Access Easement Approval- Map 78 Lot 3
- e. Confirmatory Order of Taking- Bergeron Way (this matter was withdrawn from the agenda)

Mr. Carrara asked to pull items c. and d. for further discussion.

Ms. Roberts commented that edits for the minutes had been received.

Mr. Tisdelle spoke of the amendment to the Milton CAT agreement recommended by Mr. Carrara, asking to specify that the contractor remain responsible for the project for one year after completion.

Relative to item d. Utility, Use & Access Easement Approval - Map 78 Lot 3, Mr. Carrara requested the street name be added to the Map and Lot number. Mr. Carrara expressed concern over ownership of this area, and the Town's vulnerability to future ownership. Mr. Carrara asked that the Town acknowledge that the decision to build the Fire Station at 400 Prospect Street was ill-advised and that 850 Prospect Street would be a better location.

Mr. Cavey reminded the Board that it was being asked to approve the utility easement.

Mr. Tisdelle added that the Board has the authority to acquire the easement.

Attorney Winner, who had drafted the agreement explained that the utility easement would be recorded at the Registry of Deeds, giving the Town title to the easement right.

Mr. Cavey made the motion to approve the Consent Agenda with amendments to item a, and item d. The motion was seconded by Mr. Gitto. On the vote, the Board voted 4 yes on a,b, c. The Board voted 3 yes 1 no to approve item d.

6. Stoughton 300 Anniversary Committee Applicant- Mr. Scotty Santos, 428 Pearl Street

Mr. Santos, the applicant, explained his excitement to be a part of this committee. He cited his experience with filming documentaries. He believes he has many good ideas. Mr. Cavey made

the motion to approve, seconded by Mr. Carrara. Mr. Cavey thanked Mr. Santos for volunteering and commented on Mr. Santos's resume, emphasizing his knowledge of film making.

Mr. Gitto suggested that perhaps the Committee should determine the skills needed.

Ms. Walsh, 1096 Park Street resident, acting Chair of the Committee, said the Committee is not yet organized, but needs youth and diversity. She said Mr. Santos will be a welcomed asset.

Mr. Gitto assured the Committee that his comments had nothing to do with race, just he thought the Board should not make these decisions, but the Committee. The motion to approve the application passed unanimously. 4 yes 0 no.

7. Open the Warrant-votes may be taken

Motion to open the warrant by Mr. Cavey and seconded by Mr. Carrara. Mr. Cavey and Mr. Calter mentioned there will be 2 or 3 additional articles.

8. Reconsideration of prior vote on Requirement Placement on Stoughton Youth Baseball Application to the CPC.

Mr. Cavey thanked Ms. Wilson for assisting him to locate a particular notation in the May 24 minutes. Mr. Cavey requested an amendment to a previous application to CPC relative to lighting for a little league field. He asked that the language requiring annual permission be eliminated, offering the remedy that citizens would be able to approach the Board with any complaints or disregard for comfort of the neighbors.

Mr. Cavey made the motion to reconsider this article, seconded by Mr. Gitto. On the motion, the Board voted 3 yes, 1 no.

Mr. Cavey made the motion to remove this requirement from the language of the article, seconded by Mr. Gitto. On the motion to remove the requirement, the Board voted 3 yes 1 no.

Mr. Carrara objected stating that removal of this language leaves the neighbors unprotected from misuse of the rules.

Ms. Roberts pointed out that the removal of the requirement does not affect the lights out provision of the article.

Mr. Carrara reminded the Board that an engineered plan had been requested for the lay-out and use of the field, which was not received.

Mr. Gitto commented that the Board remains owner of the field and leases the field to the lessee. He said as owner of the field, the Board can refuse use to the lessee in the event the rules are broken and provide an avenue for neighborhood complaints.

9. Policy Regarding Use of Town Flag Pole

- Flagpole Policy- Prohibited

- Flagpole Use Policy- With Limitations

Mr. Cavey commented that a policy is needed, as currently without regulatory policy, anyone can have access to use of the flagpole.

Attorney Brian Winner said the question is should 2nd or 3rd parties be able to use the flagpole for their events. He cautioned that the flagpole could be considered “free speech” or a public forum.

In response to Attorney Winner, Mr. Cavey stated that he would prefer a policy with specific limitations, remembering that Stoughton is known as a welcoming community.

Mr. Gitto objected, commenting that it is not a good idea to allow different groups access to the Town flagpole. He said residents can post signs on their front lawns.

Because Stoughton is a welcoming community, Ms. Roberts suggested policy designating locations as to where flags can be posted.

Mr. Carrara made the motion that use of the Town flagpole by private groups would be strictly prohibited, seconded by Mr. Gitto. On the vote, Mr. Carrara and Mr. Gitto voted yes. Ms. Roberts and Mr. Cavey voted no. The motion failed as the vote was a tie vote.

It was decided to continue the discussion at a subsequent agenda.

10. All Alcohol Beverage License- Proposed Variance

-Entertain a motion to include a variance to current policy

-Language for the variance - votes may be taken

Ms. Roberts explained the variance will give the Board authority to grant a license to a private concern. The variance will not conflict with State law and recipients will be required to abide by all State and Municipal regulations.

Mr. Carrara questioned if there will be a charge for the waiver and how it will differ from current holders of existing alcohol licenses. Ms. Roberts responded that the Board will analyze each individually.

Mr. Cavey said there are businesses that do not fit within the current parameters of the alcohol policy. He said the policy is geared toward restaurants but leaves out family events, or other events that might like to serve alcohol.

Attorney Winner explained that the draft of the variance gives the Board the authority to approve a specific application. He stated granting a variance reduces the number of licenses available. He also commented that there is an annual cap on the issuance of 1-day licenses.

Mr. Calter offered support for the variance. He said the Board should have the authority to determine eligibility for the request made by a professional establishment.

Mr. Gitto asked for a definition of a professional establishment.

Attorney Winner said a business not a restaurant, tavern, or nightclub.

Mr. Gitto expressed doubt asking who will own the license, can it be sold or transferred.

Mr. Cavey commented that the variance would permit businesses, function halls providing space for various events the option.

Ms. Roberts suggested an art museum/exhibit can be used as a possible definition of a professional establishment. An art museum's primary business is to exhibit art, however they do have many special events with alcohol throughout the year. Mr. Gitto responded that an art exhibit is a good example.

Another question Mr. Gitto had referenced specifications that detail all aspects to the variance such as what happens to the license if the business leaves Town. Mr. Calter added that anniversary parties and political events do not fall within current guidelines.

Attorney Winner explained that if a business ceases to operate, the Board can terminate the license, or have the license returned to the Town.

Mr. Carrara made the motion to insert the variance waiver into current policy. Mr. Cavey seconded the motion. The motion passed 4 yes 0 no.

11. Discuss the Select Board's Operational FY24 Budget- votes may be taken

Mr. Calter explained that there were changes to the budget, final numbers were not available. He explained that after meeting with the Finance Committee, he had accepted their advice and made changes to the budget relative to the Healthcare line item, and to the source of funding. He recommended accepting the advice from the Finance Committee to not use the stabilization funds for the healthcare but instead use free cash. This change would better position the Town to respond to emergency financial needs.

Mr. Tisdelle explained the three changes:

1. Reduce the health care line item by \$181,199;
2. Remove funding for resource officers and crossing guards from joint costs to public safety budget;
3. Human Resource Benefits removed from joint costs to general government costs.

This change puts the bottom line at \$121,947,875.

Mr. Carrara made the motion to rescind the previous vote of 1/15/23, seconded by Mr. Cavey. On the motion the Board voted unanimously.

Mr. Carrara made the motion to instruct the Town Manager to inform the Finance Committee of these changes in funding from stabilization funds to free cash. Mr. Cavey seconded the motion. The motion passed 4 yes.

Mr. Cavey made the motion to adjourn, seconded by Mr. Gitto. The motion passed. The Open Session of the Select Board January 31, 2023 was adjourned at 10:41 PM.

Documents Used During the Meeting

1. Consent Agenda a
 - a) meeting minutes for 10/27/2022
 - b. meeting minutes for 12/20/2022
 - c. meeting minutes for 12/27/22
 - d. meeting minutes for 01/03/2023
 - e. meeting minutes for 01/10/2023
 - f. meeting minutes for 01/19/2024
2. Consent Agenda b. Agreement between town of Stoughton and Stoughton Public Works 24 pages
3. Consent Agenda c. Milton CAT Sewer Easement Agreement Revised 6 pages
4. Consent Agenda d. Utility Use and Access Easement Approval Map 78, Lot 3
5. Consent Agenda e. Confirmatory Order of Taking- Bergeron Way (Item withdrawn)

6. Stoughton 300th Anniversary Applicant- Scotty Santos

7. Open the Warrant 28 pages

Petitioned Articles 18 pages

8. Item 8 - Reconsideration of Prior Vote on Requirement Placement on Stoughton Youth Baseball Application to CPAC 7 pages

9. Item 9 - Policy on use of the Town Flag Pole 3 pages

10. All Alcohol Beverage License- Proposed Variance 24 pages

Approved on:

02 / 28 / 2023

Signed by:

Debra C Roberts
Debra C. Roberts, Chair