

MINUTES
SHARON SELECT BOARD
April 28, 2020

The meeting of the Sharon Select Board was called to order at 4:00 pm by Chair William A. Heitin remotely via Zoom in accordance with Governor Baker's emergency declaration regarding public gatherings. Select Board Members Emily E. Smith-Lee and Hanna R. Switekowski were in attendance as was Town Administrator Frederic E. Turkington, Jr; and Assistant to the Town Administrator Lauren Barnes. The meeting commenced with the recitation of the Pledge of Allegiance.

Update and recommendation on solar agreements by Energy Advisory Committee

Mr. Heitin began discussion by indicating there would be no invitation for public comment on this topic. He proceeded to make a statement regarding discussions surrounding Town Counsel. He stated that Lisa Whalen of Gelerman and Cabral is no longer working on matters concerning the Town of Sharon.

Mr. Turkington advised that he has met with two attorneys from KP Law along with George Aronson and Lisa Whalen who provided context concerning negotiation history. KP Law has identified areas where they would recommend changes in language that they feel would afford additional protection for the Town. They will update a document with redline changes to reflect their input and prioritize their comments. Once the updated version is received and reviewed, it is expected that they will pick up discussions with DSD and their attorneys to try to negotiate changes that are more favorable to the Town. It is expected the Energy Advisory Committee/Solar Design Review Committee will finalize and present to Select Board on May 12 meeting. The goal is to incorporate some level of those final site plans, to the extent they are as detailed as they can be, as exhibits to the lease before they are signed.

Lajos Kamocsay of 15 Pleasant Street and the Energy Advisory Committee provided an update. He explained that an overview of the last two Energy Advisory Committee meetings was sent to the Board by email today. Energy Advisory Committee and Solar Design Review Committee are working on mitigation mostly for abutters and making sure design works for Town. East Elementary is the site which is the furthest along.

Mr. Heitin stated that the Board will not take a position this evening. The Board is most interested in having the Solar Developer proceed with the Gavins Pond plan and mitigation at landfill. One of the input items given to special counsel was to include a formal approval of mitigation at each site before building permit given. Met with Kevin Weber and Eric Hooper to assist in appropriate screening and like at various sites.

Five different options have been received for the Gavins Pond site. Consensus is latest option with mound removal and canopy moved away from road/houses is preferred. Removal of the mound would be Town responsibility. There was a concern was raised last night about canopy size increasing by 8 percent, a response from DSD is expected. Mr. Kamocsay appreciates that future process steps are being included.

DSD recently had an abutters meeting with landfill. The Energy Advisory and Solar Design Review Committees still feel there could be additional work done by DSD to offer mitigation options for residents. DSD agreed to work more before a site plan will be resubmitted.

Ms. Smith-Lee asked about clarity on next steps. The Energy Advisory Committee/DRC have a number of meetings scheduled. It is hoped that they will conclude on the major topics still pending at the moment. Fred will be negotiating a modified lease over next week with special counsel.

Valerie White of Energy Advisory Committee explained that there was a resignation received a number of weeks ago and there were two tied votes last evening. Has the Board considered adding a member to Energy Advisory Committee? Mr. Heitin responded that it will be taken into consideration despite the process being so far along at this point. He asked for input from the other Select Board members. Ms. Smith-Lee explained that although she understands challenges of a four member board, she wishes to exercise caution in selecting another member who would, by default, be a tiebreaker, they are wielding a fair amount of decisive influence over the process. She would like to get input from the members of the Energy Advisory Committee.

Update on schedule for Annual Town Meeting and Town Election

The Governor has extended orders through May 18. There has been no additional information on public gatherings beyond that date. It is expected that the Board may discuss at their meeting on May 12 to set a date either June 16 or June 30 for Annual Town Election. If that is the case the Town will operate under a 1/12 budget if ATM happens late summer or early fall.

Mr. Turkington has had some conversations with Marlene about safely holding an election. Those conversations are ongoing. Under current law, there is no provision for extending the election beyond June 30.

Ms. Smith-Lee commented that assuming no town meeting nor approved budget, on July 1 all department budgets will be month-to-month. Mr. Turkington advised that there will be a chance to see what that looks like over the next couple of meetings.

Vote positions on Annual Town Meeting Articles

Debbie Tatro of Sustainable Sharon and 10 Sturges Road gave a brief presentation on PFAS and their toxic effect on the environment and their contribution to health issues.

Ms. Switekowski requested comment from Chuck Levine of the Board of Health who stated that members of the Board of Health listened to all presentations and voted against the moratorium.

Judy Crosby of 6 Condor Road feels that this moratorium is directed exclusively at High School project. And poses significant operational costs for the schools in transporting student athletes. SSBC voted in favor. Increasing costs.

Paul Lauenstein of 4 Gavins Pond Road sent information to the Select Board about the Town of Franklin where an amount of artificial turf which was removed was deposited next to wetland and subsequently PFAS was detected. The Town of Easton is looking at charcoal filtration at their well sites.

Mr. Heitin explained that he has had discussions with Easton and the PFAS they are experiencing is associated with manufacturing, not a turf field.

Eric Hooper, Superintendent of Public Works, stated that he is already looking at increase in labor due to maintenance of grass fields. Ms. Switekowski asked about reducing the moratorium period from three years to a single year or two. Mr. Turkington deferred to Town Counsel but understands that time could be amended downward.

Ms. Smith-Lee explained that she expects her position will upset friends on either side of this issue but she supports the moratorium and feels she must vote her conscience recognizing the difficulties it creates. Whatever happens, she feels that the Town must work together. At the end of day, voters will have their say on the topic at Town Meeting.

Ms. Switekowski has also heard the argument both for and against this moratorium and shares concerns about the limited field space. She explained that she has only reservation pertaining to the three year time period but supports the moratorium otherwise.

It was asked whether there are types of artificial turf which would be acceptable if they were free from PFAS. Ms. Tatro stated that there are no other acceptable alternatives at this time.

The Board then moved on to discuss the ban on Recycled Asphalt Pavement or RAP. Mr. Heitin asked for Board of Health input on the ban. Mr. Levine indicated that the Board of Health voted 0-5-0 opposing the Citizens' petition banning use of RAP materials. Ultimately the Board of Health decided that the presentation in support for the ban was based on incomplete information. Mr. Hooper explained that the presentation that was given initially was incomplete in that it was based on a 2013 document by NJ DEP. An incomplete list of the allowed uses were presented as acceptable. The guidance document specifically allows the use of RAP material as long as it is covered, even by material that is porous. Since the use of the material at Deborah Sampson Park, DPW has completed two tests of monitoring wells within ten feet of the path where the material was used. The results of both tests were negative for polycyclic aromatic hydrocarbons.

Mr. Richard Kramer of 77 Beach Street was given the opportunity to give a brief presentation on the ban on RAP materials. Mr. Kramer explained the process by which RAP is produced and contends that PAHs are acutely toxic and carcinogenic. When the roadway is intact, there is only a small fraction of the tar material exposed. As a result, most roadways don't release these toxins. But when the roadway is broken up or ground up into small particles, the surface area increases exponentially. He explained that the sticky, dusty material produced from grinding asphalt is stirred up and becomes attached to shoes and clothing. He maintains that he won't use the park any longer due to this material being picked up on shoes. Young children are more at risk of the harmful effects of this dust. The proposed bylaw details the hazardous nature of this material. It is very closely modeled after New Jersey law.

The Board acted in the following manner.

<u>Article No.</u>	<u>Article</u>	<u>Select Board Position</u>
7	Community Preservation Act Annual Funding & Projects	Support 3-0
18	Citizen Petition – General Bylaw Change: Artificial Turf Field Moratorium	Support 2-1
19	Citizen Petition – General Bylaw Change: Limit Use of Recycled Pavement to Existing Impervious Surface	Oppose 0-3

Discuss and vote to appoint member of Conservation Commission

Candidate interviews were held at a previous meeting. The Board was impressed overall with all applicants. Ms. Smith-Lee commented that this is the second time the Board has received more applications than there were available spots and is grateful for the level of interest in serving the community. After a brief discussion, Colin Barbera was the candidate selected for the Conservation Commission by the Board.

MOTION: To appoint Colin Barbera as member of the Conservation Commission for a term expiring December 31, 2022.

(Smith-Lee - Switekowski)

Heitin: Aye

Smith-Lee: Aye

Switlekowski: Aye

3-0 **PASSES**

Vote to hire counsel for negotiation of Comcast cable television license

Mr. Chuck Levine of the Sharon Technology and Telecommunications Advisory Committee reported that Epstein and August, LLP has supported Sharon through two renewals. Mr. Peter Epstein is quite familiar with Sharon as well as the Town's needs and techniques for dealing with Comcast.

Mr. Heitin commented that the Town has repeatedly requested that Verizon extend their FIOS service to town. He would like residents to know that Verizon is unwilling to do so despite the Town's repeated requests.

MOTION: To approve the special counsel engagement agreement as presented.
(Smith-Lee - Switlekowski)

Heitin: Aye

Smith-Lee: Aye

Switlekowski: Aye

3-0 **PASSES**

Consider gun safety and Wear Orange Event/National Gun Violence Awareness Day

Mr. Jacoby was offered the opportunity to speak on this topic. He explained that he is affiliated with the group Moms Demand Action for which ending gun violence is a dear issue. He requested that the Board consider joining other communities in delivering a proclamation to wear orange to end gun violence on Friday, June 5, 2020

Mr. Jacoby offered to amend a draft proclamation that Moms Demand Action uses as a template which is suited toward a city rather than a town. Mr. Jacoby further mentioned that he is not sure how event will look given social distancing but remarked that although gun violence is down, domestic violence involving guns is up.

Ms. Smith-Lee explained that she is supportive of the idea but needs to review the language. Ms. Switlekowski explained that she is appreciative for bringing this topic to Board's attention.

Review and approve consent calendar

- I. Vote to update existing liquor licenses to coincide with bylaw change allowing for service of alcohol at restaurants beginning at 10 am on Sundays.
- II. Vote to change the dates of the previously approved banner for the Friends of the Sharon Public Library Annual Book Sale to September 7-14, 2020 in 2nd position
- III. Vote to approve the banner request for Sharon Porchfest, September 7-14, 2020 in 1st position
 - a. Banner request form
- IV. Vote to approve and sign the Public, Educational, and Governmental access agreement with Sharon Community Television, Inc.
 - a. PEG agreement

MOTION: To approve the consent calendar.
(Smith-Lee - Switekowski)

Heitin: AYE
Switekowski: AYE
Smith-Lee: AYE
3-0 **PASSES**

Report of the Town Administrator

Governor Baker has extended the stay-at-home advisory through May 18, 2020. The Town continued to offer service reduced hours. In-person services are being handled by appointment only. Staff is continuing to pursue and provide services through phone and email. Expected response times are generally within a day. The Board took action to extend, without penalty, to pay taxes through June 1.

Future programming, such as summer services, is being evaluated at this time awaiting guidance from the Governor as to what a gradual re-opening looks like. For example, the Town is conducting interviews for summer staff for Park and Rec department but are waiting for guidance as to whether there will be summer camps and discussing the timing of opening the beach. A number of members of the community are working with the schools to celebrate the Class of 2020 in an appropriate way given constraints placed on students. Mr. Turkington shares this concern as his daughter is a graduating senior.

Republic is discussing the possibility of resuming yard waste pick up maybe later in May as well as the possibility of bulky waste pickup sometime in June. Annual mosquito larvicide spraying has been postponed due to weather. It is expected that spraying will happen this weekend, weather permitting.

Mr. Turkington has been working with staff and peer communities on the potential impacts to the Fiscal Year 21 budget related to COVID 19 impacts. The Finance committee adopted a recommended budget before the onset of the pandemic. They have asked Fred and the Finance Director to discuss potential adjustments where areas of revenue may lack such as with restaurants closed, meal tax revenue will be affected. Historically when the rates of unemployment are high, sales of new automobiles are deferred by most which impacts excise tax revenue. State Aid is likely to be reduced and staff is watching state legislation closely with respect to the budget.

Some tools available for potential changes in the budget recommendation would be a deferring cash capital for rolling stock, vehicles, etc., considering a flexible hiring freeze as vacancies occur and taking a look at enhancements included in the budget under the 2.94 percent guideline.

For those who have asked, there has been a commitment from MSBA who will live up to signed agreements for projects such as Sharon High School.

Ms. Switekowski asked about use of masks and the possibility of putting out PSAs encouraging the use of masks. . Mr. Turkington advised that this message has been pushed out on the Town's social media outlets as well as the website. There remains a lot of confusion around when and where they should be worn and communication could be helpful in getting the message out that wearing masks prevents spread of the virus to others rather than protection from getting it. It was suggested that perhaps masks could be made available when Town offices reopen.

Ms. Switekowski also commented that the lake and other recreation areas have been crowded with the onset of fair weather. The Town wants to keep facilities open but residents need to be mindful of social distancing in these areas.

The Recreation Department has put up signs encouraging social distancing. She asked what more could be done short of closing these facilities. Ms. Berger also wishes to keep Recreation areas open and requests that residents do their best to distance themselves so that enforcement or closure isn't necessary.

Judy Crosby also commented that with respect to masks, to be mindful that the disability community is affected by wearing masks in that requiring them to be worn means that some folks with disabilities are unable to wear a mask and this would force them to remain home. She also stated that for those who are hearing impaired, masks prohibit the ability to lip read. She feels it is important to be aware of those with disabilities.

Topics not reasonably anticipated within 48 hours in advance of the meeting

Adjournment

MOTION: To adjourn at 5:57 pm.

Heitin: AYE

Switlekowski: AYE

Smith-Lee: AYE

3-0 **PASSES**

List of Documents

- Estimated schedules
- Correspondence
- Energy Advisory Committee/DRC minutes
- Overview of concerns
- Correspondence
- Article language
- Article list
- Candidate applications
- Conservation Commission Membership list
- Letter of engagement
- Information from wearorange.org
- Banner request form
- PEG Agreement