

**MINUTES**  
**SHARON BOARD OF SELECTMEN**  
*December 6, 2016*

The meeting of the Sharon Board of Selectmen was called to order in the Town Hearing Room at the Community Center at 6:05pm with Chairman Walter B. Roach, Clerk John J. McGrath (arrived at 6:14pm), Selectman William A. Heitin and Town Administrator Frederic E. Turkington, Jr.

**John Carroll – Billboard Mitigation Agreement**

John Carroll of Carroll Advertising was present. Mr. Carroll appeared to thank the Board for their support and cooperation. His intention was not to flip the sale of the billboard advertising, but it was a business decision. He believes there could be opportunities in the future.

**Approve Tax Rate Recapitulation Forms & Set Tax Rate at 19.62**

Mr. Turkington explained that the tax rate has been reviewed and certified by the state. Mr. Turkington reviewed the tax rate recapitulation forms for fiscal year 2017. The tax rate is reducing to 19.62, but since the assessed values are increasing 5%, the tax increase is 2.5%.

**MOTION:** To accept tax recapitulation forms and set tax rate at 19.62  
(Heitin - Roach) 2-0 **PASSES**

**Cable Television Oversight Committee Name & Charter Change Discussion**

Chuck Levine, Chair of the Cable Television Oversight Committee, appeared before the Board.

Mr. Levine explained the history of the committee and the types of issues they are dealing with, and why they feel a charter and name change is necessary.

Town of Sharon – Cable Oversight Committee  
Submission to the Selectmen of the Town of Sharon

Request for Name and Charter Change of the Town of Sharon Cable Television Oversight Committee

Preamble:

In order to adequately assist and advise the Board of Selectmen and the Town of Sharon in Cable Television and Telecommunications matters, the Cable Oversight Committee is asking the selectmen for a name change and expansion of the charter. This need has been brought about by the significant changes in the Cable and Telecommunications technologies since the committee was formed in 1991 and reflects the need for an update and necessary expansion of the scope of its activities. The committee will be empowered under its new, expanded charter to engage in such matters as an overview and ongoing monitoring of technology issues, conduct oversight as needed, and help formulate policies we will need to cope with the present and future of telecommunications and Cable as they affect Sharon and its residents. As continued change is clearly on the horizon, the charter below is intended to define areas the Committee intends to actively pursue. It should also be understood that as the landscape in these areas is likely to provide new challenges and opportunities, so there may be a need to amend the charter from time to time to aid in smooth transition.

The Committee asks the Board to:

A) Change the name of the committee to: Town of Sharon Cable and Telecommunications Oversight Committee

B) Adopt the expanded charter as provided:

## Proposed revised Charter for the Cable and Telecommunications Oversight Committee

1. Act as an oversight group for the Town of Sharon regarding the terms accepted by the cable provider in the current license or other related telecommunications providers including, but not limited to, wireless, internet, telephone or other telecommunications processes or networks.
2. Review, as necessary, and assist in resolving those complaints of Sharon subscribers which have not been satisfied after they contacted their cable or telecommunications provider.
3. Contact vendors, developers, providers or other parties regarding telecommunications service in the Town of Sharon and bring to the Selectmen and Town Meeting, if necessary, plans and proposals for the improvement of the telecommunications infrastructure in the Town of Sharon.
4. Maintain a working relationship between the town of Sharon and the telecommunication and cable providers.
5. Within the town, maintain a working relationship between the committee and Sharon Community Television (SCTV), Town IT Department, and School District Technology Departments.
6. Establish a working relationship between the committee and other relevant telecommunications committees / boards / commissions / organizations at local, state or national levels.
7. Review any other matters regarding cable or telecommunications brought to the committee's attention which the committee believes is within the scope of its charter
8. Submit to the Sharon Board of Selectmen an annual report of the Committee's actions during the prior year. Such report will coincide with the Annual Town Report.
9. Long term: Prepare for the preliminary discussions and hearings related to the renewal of the cable television license and any other relevant contracts within the expanded purview of the committee.

Selectman Heitin and Chairman Roach think this is a great idea.

**MOTION:** To change the name of the Cable Television Oversight Committee to the Town of Sharon Cable and Telecommunications Oversight Committee and adopt the charter as written

(Heitin - Roach) 2-0 **PASSES**

**MOTION:** To take a two-minute recess at 6:14pm

(Heitin - Roach) 2-0 **PASSES**

Selectman McGrath arrived at 6:14pm.

### Accept Community Center Gateway Design & Construction Donation and Authorize Town Administrator to Executive Related Contracts

Selectman Heitin read the memo from Town Engineer Peter O'Cain. This will enable the town to repair the entranceway to the Community Center. Selectman Heitin thanked the Rabb family for their generous donation.

**MOTION:** To accept donation to fund design and construction of Community Center gateway from Rabb family and authorize the Town Administrator to execute contracts related to project

(Heitin - McGrath) 3-0 **PASSES**

### Consent Calendar

- I. Vote to approve regular session minutes of November 14, 2016
- II. Vote to approve and sign the 2017 Alcohol licenses for:
  - a. American Legion
  - b. Bread N Butter
  - c. Coriander Bistro
  - d. Mandarin Taste
  - e. Mick Morgan's
  - f. Sapphire Manor & Inn
  - g. Sharon Country Club
  - h. Sharon Market

- i. Sichuan Gourmet
  - j. Spring Valley Country Club
- III. Vote to approve and sign the 2017 Common Victualler's licenses for:
  - a. Assorti
  - b. Charlie's Deli
  - c. Coriander Bistro
  - d. Dunkin' Donuts
  - e. Mandarin Taste
  - f. Mick Morgan's
  - g. Pizza Market
  - h. Pizzigando
  - i. Salvation Army
  - j. Sapphire Manor
  - k. Sharon Country Club
  - l. Sichuan Gourmet
  - m. Spring Valley Country Club
  - n. Ward's Berry Farm
- IV. Vote to approve and sign the 2017 Class I Auto Dealers licenses for Herb Chambers Lexus of Sharon
- V. Vote to approve and sign the 2017 Class II Auto Dealers license for Herb Chambers Lexus of Sharon
- VI. Vote to approve and sign the 2017 Taxi license for Veterans Taxi d/b/a Sharon Taxi
- VII. Vote to approve and sign the 2017 Hackney license for Raymond A. Harr of Veterans Taxi d/b/a Sharon Taxi
- VIII. Vote to accept Conservation Restriction for 12 Deborah Sampson Street

Chair intended to abstain from the vote at the last meeting for Cheryl Whiting for Recreation Advisory Committee; his lack of abstention was an oversight.

**MOTION:** To approve the December 6, 2016 consent calendar, as presented and understood  
(McGrath - Heitin) 3-0 **PASSES**

### **Town Administrator's Report**

The Town Administrator reported the following:

- Jen Austrino gave birth to a healthy baby girl, Grace Catherine.
- He is working to schedule a Priorities Committee meeting, possibly for December 19, depending on committee members' availability.
- The MMA Annual Meeting is in January; please see Fred or Lauren for registration details
- FY18 departmental budget reviews will begin in January, as will department head evaluations, and beach/boating fees for summer 2017.

### Announcements

Selectman McGrath congratulated the Police Department for their actions involving a recent matter at the Econo Lodge.

The Board took a five-minute recess at 6:25pm.

### **Special Town Meeting Warrant Discussion - Article 1 Position**

The Board resumed the meeting at 6:30pm.

Town Counsel Richard Gelerman and Lisa Whelan were present for the discussion. Attorney Robert Shelmerdine, attorney for the proponent, was also present.

Mr. Shelmerdine delivered the two signed copies of the revised Memorandum of Understanding (MOU), signed by his client, and it is awaiting the Board's signature. Mr. Shelmerdine explained that the Planning Board voted 3-1 in support of the revised zoning article at their meeting last week. Chairman Roach thought the Planning Board had some concerns, but Mr. Shelmerdine replied that the Planning Board has not yet

produced its report, which he believes will be produced for Town Meeting. Mr. Shelmerdine said that the Finance Committee is meeting just prior to Town Meeting to vote on Article 1.

Selectman McGrath is supportive of the MOU. Selectman Heitin is concerned about the process and changing the townhouses to the 20,000 square foot lots. He added that the proponent still owes the town \$30,000, including \$10,000 for the costs associated with Town Meeting. He would like to see the Planning Board's report before voting; and would like to hear from the Finance Committee. Selectman Heitin brought up the option of acquiring the property under Chapter 61B but noted there hasn't been time to discuss this issue.

Chairman Roach is concerned about the non-payment to Town Counsel and to the consultant for their work on this issue. He noted that all sides have been working very hard on this issue within a short time frame. He fears that many residents are not going to be able to read the entire bylaw in time.

Selectman McGrath believes the Board has been supportive during this process and trying to work out neighbors' concerns. His concern is that if the Board goes in the opposite direction, it seems like there are wrenches being thrown in the machine. He supports this proposal and is willing to vote on it tonight.

Mr. Shelmerdine pointed out that the Board voted in August to sign the original Memorandum of Understanding. He said that the only major change is the elimination of the 16 duplexes and replace them with 8 single-family homes; and reduced units down to 60. Selectman Heitin brought up the suggestion that the density be left on Edge Hill Road at 60,000 square foot lots.

Mr. Shelmerdine explained that he tried very hard to keep all boards informed. Selectman Heitin noted that the Planning Board expressed concerns about the linkage between the zoning by-law article and the provisions in the MOU. Selectman McGrath considers the earlier signed MOU a contract, and while things were tweaked, the Board should support the revised MOU, and let Town Meeting decide.

Selectman Heitin cannot take a position or sign the revised MOU this evening. Mr. Shelmerdine doesn't see how it is practical for the zoning by-law article to move forward if the MOU is not signed. The Board asked for payment by the end of the week, and Mr. Shelmerdine pledges that everyone will be paid, but could not provide a specific date or time.

Mr. Turkington noted that Mr. Shelmerdine is intending to substitute the bylaw but is he having it printed? Mr. Shelmerdine has made arrangements to have it printed for distribution at Town Meeting.

Laura Nelson, 236 Edge Hill Road, has recused herself from the Finance Committee, of which she is a member, and is representing herself as a private citizen. Ms. Nelson noted that the townspeople may not make an informed decision if there is another option to purchase the property under Chapter 61B. Attorney Gelerman explained the conversion process.

Ed McSweeney, 68 South Walpole Street, would like a timeline. Selectman Heitin said that the note was purchased in May 2016, and SVCC defaulted. Selectman Heitin said that they came before the Board in July. Mr. McSweeney questioned what the members have to gain with this proposal.

Mr. Shelmerdine noted that he has been given a December 31 deadline to come up with a proposal and if it is not approved, then a conventional subdivision will be pursued.

John Beagan, 226 Edge Hill Road, asked if his letter would be addressed at this meeting. Attorney Gelerman explained that Mr. Beagan's proposal to include his property in this zoning bylaw, but it is considered a geographic expansion of the warrant article, and the Attorney General would disapprove. Mr. Beagan believes

this is being rushed. Selectman McGrath said that all board members expressed concern about the time constraint, but he is not personally trying to push anything through, as Mr. Beagan stated.

**Topics not reasonably anticipated forty-eight (48) hours in advance of the meeting**

None.

**Executive Session – 7:43pm**

**MOTION:** To enter into Executive Session in the room across the hall to discuss pending litigation and contract negotiations with nonunion personnel, and at the end, to adjourn of the evening. Discussion of this item in open session would be detrimental to the Town.

(Heitin - McGrath) 3-0 **PASSES**

Roach: Aye

McGrath: Aye

Heitin: Aye

**Adjournment**

**MOTION:** To adjourn at 7:54pm

(Heitin - McGrath) 3-0 **PASSES**

Roach: Aye

McGrath: Aye

Heitin: Aye