

**MINUTES**  
**SHARON SELECT BOARD**  
*March 24, 2020*

The meeting of the Sharon Select Board was called to order at 7:00 pm remotely via Zoom in accordance with Governor Baker's emergency declaration regarding public gatherings. Chair William A. Heitin; Select Board Member Emily E. Smith-Lee; Select Board Member Hanna R. Switekowski; Town Administrator Frederic E. Turkington, Jr; and Assistant to the Town Administrator Lauren Barnes were in attendance. The meeting commenced with the recitation of the Pledge of Allegiance.

**COVID-19 Update**

Mr. Turkington provided an update on the Town's response to the COVID-19 pandemic. The Town continues to monitor communications provided by the CDC, Sharon Health Department, and MA Department of Public Health. The Board of Health and Health Department are working closely with the MA Department of Public Health. He explained that in response to Governor Baker's Stay-at-Home advisory, all Town building are closed to the public. Staff is rotating office coverage and monitoring voice mail and email when working remotely. All essential public functions are ongoing. All ballfields and playgrounds are closed, as well all public meetings are being held remotely using Zoom to maintain physical distancing.

Ms. Switekowski would like to acknowledge and thank all Sharon public safety officials for their hard work and dedication at this difficult time. She encouraged residents to reach out to Police and Fire for assistance if necessary. She explained that there was a very successful food drive that took place over the weekend with their assistance.

Mr. Heitin took a few moments to recognize longtime resident Mr. Bob Parrish who passed away a few days ago. Bob's family owns Crescent Ridge Dairy. Mr. Parrish was very active in town and recently attended a Select Board meeting to participate in the most recent water rate hearing. The Board was saddened to hear of Mr. Parrish's passing and a moment of silence was observed in his memory.

**Public Hearing - Underground Storage Tank - 2R General Edwards Highway**

**MOTION:** To open the public hearing.  
(Switekowski - Smith-Lee)

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

Mr. Turkington explained that this hearing is necessary for installation of an additional underground storage tank at the former Stop and Shop gas station on Route 1 north, 2A General Edwards Highway. Mr. Robert Fadel explained that he has purchased the property which was formerly owned and operated by Stop and Shop. He explained that Stop and Shop elected to sell only super and regular gasoline at the facility and had two tanks installed there two years ago. Mr. Fadel would like to sell diesel fuel as well and would like to install a 6,000-gallon underground storage tank to do so. Both the Fire Department and Board of Health has signed off without issue.

There were no questions, concerns, or comments from the Board or abutters. Mr. Heitin wished Mr. Fadel well in this endeavor.

**MOTION:** To close the public hearing.  
(Smith-Lee – Switlekowski)

**Heitin:** Aye  
**Smith-Lee:** Aye  
**Switlekowski:** Aye  
3-0 **PASSES**

**MOTION:** To approve the application for addition of a 6,000-gallon underground storage tank for GRR Realty, LLC located at 2R General Edwards Highway as proposed and discussed.

(Smith-Lee - Switlekowski)

**Heitin:** Aye  
**Smith-Lee:** Aye  
**Switlekowski:** Aye

3-0 **PASSES**

#### **Vote positions on Annual Town Meeting warrant articles**

This item was tabled as it is likely that Annual Town Meeting in May will be postponed.

#### **Contract review policy**

The Board requested that the existing contract review policy be reviewed and updated. Mr. Turkington surveyed other communities and drafted an updated policy which was presented as part of the meeting materials this evening. Ms. Smith-Lee commented that this policy is appropriate and asked whether the Board would now be responsible for oversight of smaller contracts of less significance which should be delegated to the Town Administrator without some differentiation. Mr. Turkington explained that indeed this topic was borne from a one-time occurrence where the Board voted to authorize both negotiation and execution of a contract without requiring it to come back to the Board for review. Typically, contracts such as the purchasing consortium for instance or labor contracts, are provided to the Board in advance with the meeting materials and then the Board either votes to approve those contracts or votes to authorize the Town Administrator to execute on the Board's behalf. This policy codifies the procedures which were already being practiced.

**MOTION:** To approve the contract review policy as provided and discussed.

(Switlekowski – Smith-Lee)

**Heitin:** Aye  
**Smith-Lee:** Aye  
**Switlekowski:** Aye

3-0 **PASSES**

#### **Support language changes – H4402 Sale of Alcohol for Off Premises Consumption**

Ms. Barnes explained that the Legislature made some changes to the bill which was filed on behalf of the town. Because the language was substantive, the Delegation wished to ensure support for the changes. This language clarifies the zones where liquor licenses could be allocated. Once approved, this will continue to be

moved through the process so that the Town can begin accepting applications from interested retail establishments. Town Meeting authorized the Board to draft legislation to be requested of the State which would allow the sale of all alcohol at the 2019 Annual Town Meeting. These changes codify that the licenses must be for businesses located in Business District A, B, D, or light industrial area. It also governs and restricts the ability of the licensing authority, the Select Board, to transfer available licenses between business districts.

Ms. Switekowski disclosed that she had worked on this legislature as part of her employment. She has discussed this with Mr. Turkington. Considering that she no longer works for the legislature, there is no conflict with her voting on this item this evening, but she wished to be open about it with the Board prior to doing so.

**MOTION:** To approve the modifications to the proposed legislation regarding liquor licenses.  
(Smith-Lee - Switekowski)

**Heitin:** Aye  
**Smith-Lee:** Aye  
**Switekowski:** Aye

3-0 **PASSES**

#### **Consider and vote to amend Select Board meeting schedule**

Mr. Turkington provided an update on activity since the Board's last meeting when the Solar Design Review group and other interested residents raised questions about the solar lease, the formulation of a lease, and the process for negotiating it. Members of the committee were contacted and provided with a timeline for completing work, ensuring the process included a collective understanding that the lease document reflected the input and concerns of citizens and members of the committees and was reflected in the negotiations conducted by Town Counsel and two members of the EAC. To that end, final versions of the lease documents ready for signature pending the board's authorization were provided. We asked the members who negotiated the leases to identify any outside suggestions received by either the public, the Design Review group, or the Energy Advisory Committee and identify those which were not included in the lease. If suggestions were not included in the lease, they were asked to identify why; whether it was deemed unnecessary on the advice of Counsel, unable to be successfully negotiated with the vendor, or subject to nonagreement. A list of benefits and comments given to the negotiators but not identified was requested of the Design Review group, particularly those who spoke at the last meeting, to make sure both lists matched and provide, for the benefit of all the public, the best suggestions to reach the best possible outcome in negotiating the lease. A response hasn't yet been received. The Energy Advisory Committee, along with the Design Review group, are meeting this evening. They expect to meet again next week with DSD to review suggestions, comments, and changes with the hope of reaching a consensus agreement.

The Board is tentatively scheduled to meet with the Energy Advisory Committee on April 7 to review those documents, approve appendices to the lease that include the site plan and mitigation, and then sign the leases. One missing item is the need to modify the Notice of Lease that was filed in the land records which will be done when the leases are finalized.

Due to the concerns raised over the dates of the lease and the date of notarization, and to provide the most confidence in the lease process, Mr. Turkington has spent time over the past couple of weeks looking into the possibility of having the Board engage special counsel to review the lease documents, to give advice to the Board as to whether or not there are any terms in that lease that would cause them concern representing us as the leaseholder and a firm that specializes in municipal leases. Since this lease involves utilization of Town

property for a particular purpose, none of the compensation in the lease, other than depending on which smart block it is in, is not unique to the solar industry.

Mr. Turkington has found a firm that has experience in negotiating municipal land leases as well as ones that include some form of favorable rates for buying back electricity and compensation that is tied to solar; a firm that would have expertise in and experience in negotiating these leases not just from their own perspective but in terms of comparison from that of their other municipal clients as well. Based on that, Mr. Turkington would like to engage KP Law. Kopelman and Paige is the largest municipal law firm in the state. He has spoken with their managing partner who indicates that they have attorneys who are available and interested in this engagement. If the Board is comfortable and authorizes him to do so, Mr. Turkington will proceed with engaging them to provide comments on the lease documents.

Ms. Smith-Lee commented that she has no concerns with KP Law. She wants to be clear that the scope, as it relates to the contracts, is to review the contracts themselves to ensure the Town's protection. They will not be renegotiating the deal because we're bringing in new counsel. Mr. Turkington advised that yes, KP Law would be reviewing to give comfort that the best possible terms for the Town have been negotiated. The goal is to ensure confidence that the end product is reflective of the collective comments of all parties involved and KP Law will opine on whether it is an appropriate arrangement for the Town. Ms. Smith-Lee agrees and feels there are three main concerns, that the Town is protected, the contract is legitimate, and the agreement considers the interest of the stakeholders.

Mr. Ron Goodman of 4 Knight Road commented that he feels there needs to be more due diligence on behalf of the Select Board and looking into what had transpired regarding the solar documents. Mr. Heitin explained that the original process began with 11 proposals from 11 different providers. There is a comprehensive understanding of the market and benefits to the Town based on the information received through the proposal process. Mr. Heitin explained that on April 7, the Select Board will meet with the Energy Advisory Committee and Solar Design Review group and expect them to come forth with design criteria.

**MOTION:** To agree to a meeting on April 7, 2020 to consider recommendations by the Energy Advisory Committee and finalize solar leases.

(Switekowski – Smith-Lee)

Heitin: Aye  
Smith-Lee: Aye  
Switekowski: Aye

3-0 PASSES

#### Consent Calendar

- I. Vote to approve the regular and Executive Session minutes of March 3, 2020
- II. Vote to approve the contract for curbside textile recycling with Simple Recycling and authorize the Town Administrator to execute the contract
- III. Vote to approve acceptance of grants/gifts to the Recreation Department in the amount of \$6,000 for special events
- IV. Vote to allow Norfolk County Mosquito Control access to the Gavins Pond soccer fields area for landing a helicopter in support of the District's spring aerial larvicide application in mid-April, likely April 20-24, weather permitting
- V. Vote to approve Class II Auto Dealer License to GMM Realty, 2 General Edwards Highway allowing the sale of not more than ten (10) used automobiles

**MOTION:** To approve the March 24, 2020 consent calendar.

(Smith-Lee - Switlekowski)

**Heitin:** Aye

**Smith-Lee:** Aye

**Switlekowski:** Aye

3-0 **PASSES**

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

Ms. Smith-Lee confirmed with Mr. Turkington that he has received a cost estimate that fits within the budget. Mr. Turkington has yet to receive a formal proposal. The hourly rates KP Law charges are considerably lower than private sector rates. It will likely be more than what is charged by Town Counsel but as soon as he has the letter of engagement and terms, the will be forwarded to the Board for their review.

**MOTION:** To authorize the Town Administrator to pursue an engagement with KP Law to review and comment on solar lease agreements subject to the Board's review of the engagement letter.

(Smith-Lee - Switlekowski)

**Heitin:** Aye

**Smith-Lee:** Aye

**Switlekowski:** Aye

3-0 **PASSES**

#### **Adjournment**

**MOTION:** To adjourn the meeting at 7:42 pm.

(Switlekowski - Smith-Lee)

**Heitin:** AYE

**Switlekowski:** AYE

**Smith-Lee:** AYE

3-0 **PASSES**

#### **List of Documents**

- Application materials
- Draft article list
- Draft articles
- Minutes
- Memorandum
- Correspondence
- Textile Recycling Contract
- Application materials