

MINUTES
SHARON SELECT BOARD
September 12, 2023

The meeting of the Sharon Select Board was called to order at 7:00 pm by Chair Kiana Pierre-Louis remotely via Zoom. Select Board members Hanna Switekowski and Emily Smith-Lee were in attendance as was Town Administrator Frederic E. Turkington, Jr. and Assistant Town Administrator, Lauren Barnes. The meeting commenced with the recitation of the Pledge of Allegiance.

Public comment period

A resident inquired about the use of the meeting room at Town Hall and why some Boards and Committees cannot use the meeting space.

A resident and abutter to the proposed water treatment facility site on Pine Grove read a statement and requested the Select Board delay a vote on the proposed site selection this evening.

Two residents of the Pine Grove Ave neighborhood offered their support for their neighbor's comments and requested further investigation into the data cost analysis.

There being no further public comment, Ms. Pierre-Louis moved on with the meeting.

Board and Committee interviews – Commission on Disabilities

The Board met with Mr. Rusty Callaway, candidate for the Commission on Disabilities. Mr. Callaway introduced himself and explained that he has lived in Sharon since 1988. He has spent the last 32 years in human services with DCF before moving into a for-profit therapy practice. He has worked with children with disabilities and adults with disabilities on a professional level. He suffered a sports related injury and experienced first-hand how difficult it can be to navigate the world with crutches. He is now at a point where he can give time to this committee.

The Board thanked Mr. Callaway for his time this evening. Since vacancies on the Commission on Disabilities have been posted for quite some time and the Commission on Disabilities has been down two members for a considerable period, the Board was comfortable voting the appointment.

MOTION: To appoint Rusty Callaway a member of the Commission on Disabilities with a term expiring December 31, 2025.
(Smith-Lee – Switekowski)

Switekowski: AYE

Smith-Lee: AYE

Pierre-Louis: AYE

3-0 **PASSES**

Consider site and financing schedule for water treatment facility

Public Works Superintendent, Eric Hooper, and representatives from Environmental Partners, Adam Kran and Sarah Price, shared a presentation with the Board.

Mr. Hooper stated he would like to re-introduce the project. As said, the project has been going on for some time now. The EPA has proposed new regulatory requirements for PFAS compounds, particularly for PFAS, due to their harmful effects on the human body and their classification as forever chemicals. This has changed the design plans of the project. The submission for NEPA and MEPA review is underway, although they don't have the authority to deny the project. Five separate sites were evaluated, considering factors like floodplains and wetlands. Two viable options remain, with the well #4 site being the most cost-effective. A building similar to a

former cold storage building in Canada is being considered. The costing process revealed variations in costs due to different units and complexities of construction. The noise study is incomplete but can be incorporated into the design. It is important to move forward with a site to start the regulatory filing process. The connection to MWRA would cost around \$6-8 million more than the preferred alternative. If the treatment site for well #4 is not approved, further evaluation of alternatives will be required. Overall, well #4 is the recommended site due to cost savings and design features.

Ms. Sarah Price of Environmental Partners shared the presentation which had been previously shared with the Water Management Advisory Committee at their meeting late last month. The town is facing water quality challenges at wells 2-3 and 4, which exceed the maximum contaminant levels for iron, manganese, and PFAS compounds. A new treatment plant is needed to address these issues and ensure compliance with water quality standards. Several alternative sites were evaluated, including the well 2 site, well 3 site, and the preferred site at well 4. The well 2 site was ruled out due to size limitations and floodplain constraints, while the well 3 site required extensive utility work and water main installations. The well 4 site emerged as the most cost-effective option, with minimal land alteration and resource area impacts. It also allows for the construction of a treatment plant close to the existing water supply and features a vegetated buffer zone to mitigate visual impacts. The estimated project costs for the well 4 site are \$36.34 million.

The Select Board provided an opportunity for the residents of the neighborhood to ask questions. A vote on this matter was tabled until the Board's next meeting of September 26, 2023 so as to afford the opportunity to tour the proposed sites with plans and renderings.

Consider investment strategy for trust funds including OPEB

Finance Director, Krishan Gupta provided an overview for the Select Board. The OPEB trust fund was established in 2018 with an initial contribution of \$50,000, and it has been growing steadily with annual contributions. The account currently holds around \$3.7 million. Other post-employment benefits (OPEB) are the benefits, other than pension distributions, that employees may begin to receive from their employer once they retire. Other post-employment benefits can include life insurance, health insurance, and deferred compensation.

The recommendation this evening is to transfer the funds from Rockland Trust Corporation to the state pension fund, PRIT, which has a history of 9.2% returns. This move is expected to be beneficial considering a long-term investment horizon of 30-40 years. The decision was made after consultations with Rockland Trust Corporation, the state pension fund, and the county trust. The purpose of the OPEB fund is to secure retirement pension costs in the long run. The management of the funds will be overseen by the state treasurer's office, and the Finance Committee has also been informed and consulted about the proposal. This step ensures transparency and accountability for the residents and stakeholders involved.

MOTION: To approve the transfer of OPEB funds from Rockland Trust Corporation to the state pension fund, PRIT, at the recommendation of the Finance Director.
(Smith-Lee – Switekowski)

Switekowski: AYE
Smith-Lee: AYE
Pierre-Louis: AYE
3-0 **PASSES**

Sharon Gallery – third amendment to development agreement

Town Counsel, Dick Gellerman, and the developer's representative, Attorney Bob Shelmerdine presented this third amendment to the development agreement for the Sharon Gallery. In 2015, a development agreement was entered into with the owner of Sharing Gallery. The agreement required amendments due to changes in fees and other factors. The third proposed amendment includes changes in residential square footage allocation, commencement of construction, and lot construction status. The increased residential allotment raised concerns about the possibility of residential units being built within a commercial building.

However, provisions were added to address these concerns, such as the requirement for a building permit before residential construction begins and restrictions on occupancy until Lot 2 is structured. The amendment also includes provisions for age-directed housing rather than age-restricted, with a focus on designing units that attract fewer school-age children. Additionally, there is a section that addresses the potential number of school children resulting from the development. The concerns raised by the Board have been addressed in these amendments, leading to a favorable view of the project's progress.

The Board opened the floor to public comment. There was a resident question about what the Town will gain in exchange for the allowances made to the developer as part of this agreement. The Board and Attorney Gellerman advised that the developer has invested quite a sum thus far in the project without a shovel in the ground. It benefits the Town to work with the developer for the future tax benefit.

Ms. Pierre-Louis asked whether the Board had any additional questions. Stating there were none, the Chair called for a vote.

MOTION: To approve the third amendment to the Sharon Gallery development agreement.
(Smith-Lee – Switekowski)

Switekowski: AYE
Smith-Lee: AYE
Pierre-Louis: AYE
3-0 **PASSES**

Cape Club of Sharon – 61B conversion

Mr. Shelmerdine, representative for The Cape Club of Sharon provided the following background information. This property is generally known as The Cape Club of Sharon and on May 27, 2016, the golf course (then known as Spring Valley Country Club) was purchased by 25 Tiot Holdings, LLC. At that time, this entire golf course was already subject to, and received the real estate tax benefit of, a “Recreational” classification, pursuant to G.L. Chapter 61B.

Briefly, a “Recreational” Use is able to receive the benefit of a Chapter 61B Land Tax Value, but a “Residential” Use does not qualify for such benefit.

At commencement of the real estate development in 2018, three (3) lots were created: a Golf Course Lot (Lot 1); a Townhouse Lot (Lot 2); and a Clubhouse Lot (Lot 3); please see the “**Original ANR Plan**” dated March 27, 2018 and recorded at the Norfolk County Registry of Deeds in Plan Book 668, Page 73, a copy of which is attached hereto. Both the Golf Course (Lot 1) and Clubhouse (Lot 3) continued to receive the “Recreational” classification, but the Townhouse Lot (Lot 2) was converted to a “Residential” classification and lost the Chapter 61B tax classification benefit.

However, sometime after construction of the first several Townhouses in Phase 1, the Developer came to realize that there was a better site design and location for the remaining Townhouses and sought to modify the form and location of Townhouse Lot before the Planning Board. The Planning Board agreed, and on May 28, 2020, it issued a Modification of the Site Plan Approval which significantly altered the shape of Townhouse Lot. The Re-Design of the Townhouse Lot actually significantly altered the layout of all three lots; Golf Course (Lot 1), Townhouse Lot (Lot 2) and Clubhouse (Lot 3). For comparison, please see the **Original ANR Plan** and the **New 81X Plan** (dated August 3, 2023 and recorded at the Norfolk County Registry of Deeds in Plan Book 723, Page 27). In order to re-shape each of the three (3) Lots, the **Original ANR Plan** needed to be modified. Therefore, a plan was prepared which created sixteen (16) parcels that would be swapped with each other to form the new re-shaped Golf Course (Lot 1), the Townhouse Lot (Lot 2) and Clubhouse (Lot 3). This **Modified ANR Plan**, dated July 25, 2023 was recorded at the Norfolk County Registry of Deeds in Plan Book 723, Page 26. It is six (6) of these parcels that are being converted to “residential” use which are the subject of the “Notice of Intent to Convert for Other Use”, as follows: Parcel A, Parcel E, Parcel G, Parcel K, Parcel L and Parcel N. All of these Plans are attached to this Memorandum.

It is important to note that each new lot retains the same acreage. Further, the conversion of parcels from recreational to residential and residential to recreational, does not impact the combined acreage.

MOTION: To not exercise or assign the Select Board’s option to purchase, pursuant to M.G.L., c. 61B, §9, a portion the property located at 25 Tiot Street (also known as 100 Cape Club Drive and The Cape Club of Sharon), being the following six (6) parcels: Parcel A, Parcel E, Parcel G, Parcel K, Parcel L and Parcel N, all as shown on that ANR plan entitled “Form A Plan” dated July 25, 2023 drawn by Merrill Engineers and Land Surveyors prepared for Cape Club Builders, LLC, and recorded at the Norfolk County Registry of Deeds in Plan Book 723, Page 26.

(Switekowski – Smith-Lee)

Switekowski: AYE

Smith-Lee: AYE

Pierre-Louis: AYE

3-0 **PASSES**

Cape Club of Sharon – deed restriction

Mr. Shelmerdine, on behalf of The Cape Club of Sharon, requests that the Select Board to approve Amending that “Grant of Deed Restriction” dated April 18, 2018 and recorded at the Norfolk County Registry of Deeds in Book 35927, Page 183. This “Grant of Deed Restriction” was given by 25 Tiot Holdings, LLC as part of an Agreement with the Selectboard for support of a Zoning Bylaw Amendment at the 2017 Annual Town Meeting to allow for the construction of Residential Duplex Townhouses within “The Cape Club of Sharon.”

As background, at the 2017 Annual Town Meeting, the Town Meeting voted to Amend the Zoning Bylaw (Section 4390, Et. Seq.) to allow for the construction of Residential Duplex Townhomes within a portion of the property known as The Cape Club of Sharon. This residential use was limited to the Townhouse Lot (Lot 2 – 12.48 acres). At the same time, Town Meeting adopted Section 4391. F. of the Zoning Bylaws, which prohibits residential use of the Golf Course (Lot 1 – 167.293 acres) and the Multiuse Clubhouse (Lot 3 – 13.287 acres) and required that upon the development of Residential Townhomes, a deed restriction be recorded at the Registry of Deeds prohibiting residential use or construction of Townhouses within the Golf Course and the Multiuse Clubhouse. This Restriction was agreed to by the Owner/Developer for the support of the Selectboard at Town Meeting of a Zoning Bylaw Amendment allowing for development of Residential Duplex Townhomes at The Cape Club of Sharon, but only within the Townhouse Lot (Lot 2). See the attached plan of Land entitled “Plan of Land”, The Cape Club of Sharon, 25 Tiot Street, Sharon, MA dated March 27, 2018 and recorded at the Norfolk County Registry of Deeds in Plan Book 668, Page 73 (“**Original ANR Plan**”).

At the start of construction of the Townhouses, the “Grant of Deed Restriction” dated April 18, 2018 was recorded at the Norfolk County Registry of Deeds in Book 35927, Page 183. This Grant of Deed Restriction only restricts the Golf Course (Lot 1) and the Multiuse Clubhouse (Lot 3)

However, sometime after construction of the first several Townhouses in Phase 1, the Developer came to realize that there was a better site design and location for the remaining Townhouses and sought to modify the form and location of Townhouse Lot before the Planning Board. The Planning Board agreed, and on May 28, 2020, it issued a Modification of the Site Plan Approval which significantly altered the shape of Townhouse Lot.

The Re-Design of Townhouse Lot actually significantly altered the layout of all three lots; Golf Course (Lot 1), Townhouse Lot (Lot 2) and Multiuse Clubhouse (Lot 3). I attach the **New 81X Plan** (dated August 3, 2023 and recorded at the Norfolk County Registry of Deeds in Plan Book 723, Page 27), and as you can see by comparison with the **Original ANR Plan**, all three lots are significantly re-shaped. As a result, some portions of the original Golf Course Lot and the Multiuse Clubhouse Lot are now included within the new Townhouse Lot, and some portions of the original Townhouse Lot are now included in the new Golf Course Lot and the Multiuse Clubhouse Lot.

However, all portions of the original Golf Course Lot and the Multiuse Clubhouse Lot that will be conveyed to the new Townhouse Lot are subject to the “Grant of Deed Restriction” restricted against “residential use”, and unless the “Restricted Area” of the “Grant of Deed Restriction” is amended, cannot become part of the “residential” use of the Townhouse Lot. Therefore, the “Restricted Area” and “Non-Restricted Area” included in the Grant of Deed Restriction need to be amended.

Mr. Shelmedine provided an “Amendment of Grant of Deed Restriction” which modifies the “Restricted Area” description of the Golf Course and Multiuse Clubhouse Lots by defining all Lots as described in the new **81X Plan**. And the Amendment also modifies the “Non-Restricted Area” description of the Townhouse Lot by defining all Lots as described in the new **81X Plan**. Therefore, the building of Townhomes within the revised Townhouse Lot will not violate the “Residential” Restriction.

It is important point to note is that each New Lot retains the same acreage.

The Chair opened the floor to resident questions. One resident asked whether abutters were notified back in 2021 and Mr. Shelmerdine answered that they were. An additional question was raised about the comment that there was no reconfiguration of the fairway. In walking the golf course grounds, it has been observed that holes are being moved and other construction is taking place. Is this in preparation for the approval of this tonight or due to preexisting approved construction work. Mr. Shelmerdine, not knowing where the construction is taking place on the course, is not knowledgeable enough to answer. When asked further, Mr. Shelmerdine stated that he is not aware of any work being done on the course in advance of a vote by the Select Board this evening. Construction on the next phase of 26 condominium units has not begun.

MOTION: To approve a deed restriction for The Cape Club of Sharon, 25 Tiot Street.
(Smith-Lee – Switlekowski)

Switlekowski: AYE
Smith-Lee: AYE
Pierre-Louis: AYE
3-0 **PASSES**

Consent calendar

- I. Vote to approve the following minutes
 - a. June 8, 2023 (Corrected) – open session
 - b. August 1, 2023 – open session
- II. Vote to approve the following banner request/requests:
 - a. Sharon Girl Scouts Recruitment - September 18-24, 2023 in 1st position
- III. Vote to approve the following ice cream vendor permits for Crescent Ridge Dairy Bar
 - a. Kaleigh Marinelli
 - b. Christian Hayes
 - c. Lucy Saade
 - d. Zoe Gopin
 - e. Jen Powers
 - f. Jenna Gilman
- IV. Vote to approve a block party request for Lee Road on October 21, 2023 from 2:30 pm to 6:30 pm with a rain date of October 22, 2023
- V. Vote to approve a successor collective bargaining agreement with AFSCME Local 362 (Public Works and Water Department employees)

- VI. Vote to authorize relocation of the Deborah Samson statue to the site of the new Sharon Public Library upon completion of building project and after approval of removal by the Sharon Historical Commission
- VII. Vote to authorize out-of-state travel for Eric Hooper and Rob Terpstra of Sharon Public Works/Water Department to attend the New England Water Works Association fall conference in Burlington, VT from September 17 to September 20, 2023
- VIII. Vote to approve Hunger Action Month proclamation

MOTION: To approve the consent calendar with the addition of the need for approval by the Sharon Historical Commission on the Deborah Sampson statue relocation.
(Switekowski – Smith-Lee)

Switekowski: AYE
 Smith-Lee: AYE
 Pierre-Louis: AYE
 3-0 **PASSES**

Report of the Town Administrator

Mr. Turkington provided the following update.

Interest in 174 Lakeview Street. A Somerville-based charity that owns a 20-acre parcel at 174 Lakeview Street has elected not to sell the parcel at this time.

Recap of Personnel Board meeting of August 29. The Board rated the communications specialist and deputy DPW superintendent job descriptions before discussing the technical revisions to the personnel by-law. They plan to meet on October 11 to finalize comments and questions for labor counsel before meeting with the attorneys the week of October 23 to finalize that portion of the review. The Personnel Board would like to meet with the Select Board in late November or early December to discuss the governance issues within the by-law in hopes of reaching consensus on any changes to appointment of members, scope of oversight, etc.

Staff review of trash and recycling issues. Schools & Town recycling coordinator Eve Carey has left the part-time position effective August 25 to accept a full-time recycling position in her hometown. We will work with the school leadership team to fill the position. While the start of investigation into PAYT, cardboard drop-off and food composting will be delayed, I expect staff to complete the assigned task by the December deadline.

Major software upgrade. On September 18, the Town will conduct a major upgrade of the MUNIS financial management software. IT Director Don Hillegass and Finance Director Krishan Gupta are spearheading this effort. Data transfer occurred on September 7 and 8.

Interview of veteran members of committees. Executive Assistant Melissa Imbaro has put together a schedule of those members of committees who have previously served two terms interested in reappointment for interviews with the Board. We will stagger these throughout the fall to manage that task.

Change in leadership of SSBC. Gordon Gladstone announced on September 5 that he planned to relinquish the chair of the SSBC and asked members to step forward and plan to elect a new chair on September 19.

Human Resources Matters

Status of vacancies being recruited. We have hired Phyllis Barba as employee benefits administrator in the Treasurer's office. She begins employment on September 11. The COA outreach/social worker has resigned to take a similar position in Rehoboth and we have interviewed three candidates for that vacancy. We hope to name the replacement in the next two weeks to begin work in October.

Collective bargaining update. We reached a tentative agreement in negotiations with AFSCME representing DPW/Water laborers and equipment operators on July 25. Local ratification vote occurred on August 23. Board approval on the consent calendar is requested.

We have received a request from Sharon *firefighters to commence bargaining* 6 months ahead of the normal negotiation period for their contract that expires June 30, 2024. Despite bringing our department to parity with peer and neighboring departments in the last contract, I anticipate a difficult negotiation with high expectations from the younger members now leading the union who are active in the state organization.

Select Board Correspondence/Announcements

We received / exchanged approximately 43 pieces of correspondence between Friday, August 18 and 6:00 p.m. on Thursday, September 7. Topics included:

- Notices and invitations including: notice of new street list and AG acceptance of Articles 9, 20, 21 and 23 from May 2023 Annual Town Meeting from Town Clerk, notice of vacancy on the Board of Registrars, notice of commencement of FY2022 annual audit from Marcum LLP, invitation to grand opening of Kapnos marijuana dispensary and invitation to library ground-breaking on Friday, September 22 at 11A; applications for appointment to committees from Rusty Calloway (Commission on Disabilities); newsletter from Sharon Cultural Council and fall recreation program bulletin and Sharon Day information from Recreation Department;
- Letter of commendation from Fire Chief regarding Wayne Paul actions while on vacation to assist Block Island fire department fighting major structure fire on August 18;
- Email from Cultural Council chair Aaron Glick reporting on selection of muralist and planned design for Welcome to Sharon mural to be painted in Post Office Square October 14-19;
- Email from Christopher Tingus with link to *US News & World Report* listing of top high schools in Massachusetts (Sharon ranked #22);
- Email from Police Chief sharing “thank you’s” from residents for police services;
- Emails (3) from Brian Manna and response from Town Administrator concerning officer seen in Liquor World using 24/7 assigned vehicle;
- Emails (6) from Sara Lozano and response from Town Engineer regarding flooding on Robin Road on August 18;
- Emails (4) from Michael Berkley and response from Library Trustees urging use of ground-breaking ceremony as opportunity to educate patrons about future parking requirements for new library;
- Email from Sandy and Warren Smith expressing concern about condition of neighboring property at 76 Mountain Street;
- Emails (3) from Betsy Schneider, 36 Pine Grove Street, and response from Water Superintendent regarding water treatment facility siting and costs;
- Emails (5) from Georgeann Lewis and response from Town Engineer and Town Administrator regarding amendments to the LIP application for 268-290 Edge Hill Road;
- Emails from Mary Ann Mayer, Mike Berkley, Melissa Frazier and Amy Baldwin and response from CHA regarding communication with neighbors on details of the construction of the library; and,
- Email from Phillip King objecting to the closing of School Street during library construction, instead advocating for making School Street one-way vehicle travel.

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

None.

Adjourn

MOTION: To adjourn
(Smith-Lee – Switlekowski)

(Switekowski – Smith-Lee)

Switekowski: AYE

Smith-Lee: AYE

Pierre-Louis: AYE

3-0 **PASSES**

List of Documents

- Board/Committee application
- Water treatment facility site presentation
- OPEB presentation
- Draft amendment
- Request letter
- Grant of Deed Restriction
- Original ANR plan
- New 81x plan
- Amendment to deed restriction
- Minutes
- Ice cream vendor permit applications (6)
- Block party request form
- Collective bargaining agreement
- Proclamation
- Town Administrator's report