

**MINUTES**  
**SHARON SELECT BOARD**  
*April 7, 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.

Mr. Heitin made a brief statement asking the Community to abide by social distancing policies when using public and recreation spaces.

**Discussion regarding May Annual Town Meeting and Town Election**

Due to the public gathering restrictions put in place by Governor Baker, it is necessary to postpone the May Annual Town Meeting and Town Election. While awaiting further direction about easing of safety guidelines, it is anticipated that holding Annual Town Meeting may not be possible until at least June 1, 2020.

**MOTION:** To postpone Annual Town Meeting scheduled for May 4, 2020 and the Annual Town Election now scheduled for May 19, 2020 for dates to be determined prior to June 30, 2020.  
(Smith-Lee - Switekowski)

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

**Vote positions on Annual Town Meeting Articles**

The Board voted as follows:

<u>Article No.</u>	<u>Article</u>	<u>Select Board Position</u>
1	Appoint Finance Committee Members & Nominating Committee of the Finance Committee Members	Support 3-0
2	Act on Reports	Support 3-0
3	Sharon Friends School Fund Records & Appointments	Support 3-0
4	Personnel By-Law	Support 3-0
5	FY2021 Budget & Compensation of Elected Officials	Support 3-0
6	Capital Outlay	Support 3-0
7	Community Preservation Act Annual Funding & Projects	HOLD
8	Norfolk County Retirement Annual Assessment	Support 3-0
9	Unemployment Fund	Support 3-0
10	Funding Other Post-Employment Benefits (O.P.E.B.) Trust Fund	Support 3-0
11	Funding Assessor Inspection Services	Support 3-0
12	Annual Audit Appropriation	Support 3-0
13	Revolving Fund Authorizations	Support 3-0

<u>Article No.</u>	<u>Article</u>	<u>Select Board Position</u>
14	General Bylaw Change: Increase Expenditure Limits for Certain Revolving Funds	Support 3-0
15	Property Tax Exemptions	Support 3-0
16	Naming the Driveway to the Public Safety Building and DPW Facility "Joe Roach Way"	Support 3-0
17	Acquire Six Acres of Land to be Known as 60R Cedar Street as Conservation Land	Support 3-0
18	Citizen Petition – General Bylaw Change: Artificial Turf Field Moratorium	HOLD
19	Citizen Petition – General Bylaw Change: Limit Use of Recycled Pavement to Existing Impervious Surface	HOLD
20	Approve Adjustments to Size of Parcels within Recreational and Residential Overlay District	Support 3-0
21	Authorize Select Board to Acquire Easements Related to Construction of Traffic Improvements on South Main Street	Support 3-0
22	General Bylaw Change: Amend Water Discharge Bylaw to Clarify Right to Lien	Support 3-0
23	General Bylaw Change: Amend Chapter 12 to Increase Number of Alternates on Council on Aging Board	Support 3-0
24	Transfer the Care and Custody of the Rattlesnake Hill Property from Select Board to Conservation Commission and Authorize Notice and Order of Taking	Support 3-0
25	Grant to Mass Audubon a Conservation Restriction on Land Known as Inter Lochen Park on Rattlesnake Hill	Support 3-0

#### **Vote to allow payment of real estate taxes through June 1, 2020 without penalty and interest**

The Commonwealth of MA has authorized the Town to defer payment of real estate and excise taxes.

**MOTION:** That the Select Board, in accordance with Sections 10 and 11 of Chapter 53 of the Acts of 2020, waive any interest and penalties on property tax bills due May 1, 2020 from May 1, 2020 to June 1, 2020.  
(Smith-Lee - Switlekowski)

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

**MOTION:** That the Select Board, in accordance with Sections 10 and 11 of Chapter 53 of the Acts of 2020, waive the interest and any other penalties for late payment of any excise tax or water use bill with a due date on or after March 10, 2020 when payment is made after its respective due date but before June 30, 2020.  
(Smith-Lee - Switlekowski)

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

## **Review and vote to approve engagement with special counsel for review of solar lease contracts**

Mr. Heitin provided a brief history on the discussions the Select Board has had with the Energy Advisory Committee and subcommittee, the Energy Advisory Committee Design Review Committee. The Select Board has instructed Fred to seek out potential special counsel to assist with final review and, if needed, negotiations on solar lease contracts which are being finalized now. Mr. Heitin and Mr. Turkington have met, virtually, with three different firms over the past few weeks and have ultimately concluded that KP Law was the firm they would like to engage. KP Law has helped several other communities in Massachusetts with the same types of leases. It is felt that they had the experience necessary and understand Sharon's goals with ground leases. If the Board votes to proceed with the engagement of KP Law, they will review the leases, identify areas they would look at from a Town Counsel perspective, obtain the negotiation history, and recommend any appropriate language changes to the Board that they feel are in the best interest of the Town. Mr. Turkington added that KP Law has experience with dealing with Power Purchase Agreements and other forms of interactions between municipalities and solar entities. KP Law was chosen for the breadth of their experience.

The Board and Mr. Turkington answered questions from members of the Energy Advisory Committee and Solar Design Review Committee about further negotiation of the solar lease agreements and what services are being sought from KP Law.

It was explained that the Town is looking for an opportunity to discuss possible resolution of issues raised either previously or currently on the lease documents. Based on the RFP, there was the possibility for consideration of additional sites going forward. It was important that both the Town and DSD have a clear, concise, and amicable understanding of the lease documents going forward because they would be templates for additional sites going forward. If a list of specific concerns is received immediately, it will be delivered to KP Law and they will be asked to evaluate them as they relate to being areas of concern for the Town.

Mr. Kamocsay provided an update regarding site meetings with DSD earlier today. He reported that they will have updated site plans for East Elementary. He will forward any comments that come out of the expected meeting of EAC and DRC next week. The two committees will also vote on some outstanding recommendations that they couldn't consider this week due to discussion of proposed changes at the Gavins Pond site. The Board thanked Mr. Kamocsay for the update.

Other questions raised included whether the previously executed contracts have been withdrawn or terminated and whether KP Law will be retained in a similar capacity for future solar projects. Mr. Heitin explained that the contracts are still in force, but they will repaper 100 percent of everything that has been signed. The new documents will incorporate comments presented by the Energy Advisory Committee and Solar Design Review Committee. Going forward, if KP Law does a good job in looking out for the best interest of the Town, the Board is clearly amenable to utilizing them in the future. KP Law has relevant experience with communities developing solar sites in residential areas. Mr. Heitin understands these specific concerns and will be sure that KP Law also understands their importance. Ms. Smith-Lee added that it is the role of the attorneys to guide the Town in their decision-making process.

Mr. Heitin and Mr. Turkington responded to Mr. Kamocsay's question about timeline for completion of collecting comments from abutters by suggesting that the Energy Advisory Committee was tasked with presenting a recommendation on mitigation even if it doesn't fully satisfy the abutting property owners. The Board will hear both the recommendation of the Energy Advisory Committee as well as concerns from abutters regarding changes. If DSD is driving the mitigation and desire to have these projects be more acceptable to the neighborhood, and they don't have any concerns over the date, there is some flexibility on the timeline but the overall goal is to have the mitigation discussions finalized by May 1, 2020.

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

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

#### **Review and approve consent calendar**

This item was tabled for a future meeting.

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

Ms. Switlekowski asked to make a comment on concerns she has seen on social media about the proper disposal of masks and gloves. She would like to encourage residents to continue to be mindful about how and where their personal protective equipment is being discarded. She suggested that perhaps consideration could be given for the Town to put out more receptacles in high traffic areas if the need arises.

#### **Adjournment**

**MOTION:** To adjourn at 4:33 pm.

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

#### **List of Documents**

- Article list
- Draft annual Town meeting warrant
- Letter of engagement
- Minutes